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A. Edward Cutting
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**A COMPREHENSIVE FIFTY-ONE JURISDICTION REVIEW OF STATUTES
MANDATING AND ENCOURAGING THE TEACHING OF HISTORY IN K-12
SCHOOLS**

A Dissertation Presented

by

A. EDWARD CUTTING

Submitted to the Graduate School of the
University of Massachusetts Amherst in partial fulfillment
of the requirements for the degree of

DOCTOR OF EDUCATION

May, 2012

Teacher Education and Curriculum Studies

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DEDICATION

This dissertation is dedicated to my late father and to my mother, in particular to my mother without whose constant support and encouragement none of this would have been possible. She is the person who was there for me during the darkest days, she was the one who listened to me explain why I couldn't possibly do this, and then quietly insisted that yes, I actually could. And she was right.

I am also grateful to these two children of the First Great Depression for their lifelong frugality because that was what enabled me to earn this degree, without funding and notwithstanding the nearly overwhelming obstacles which I encountered along the way.



Albert Edward Cutting & Eileen Geneva Ames Cutting

(August 11, 2003)

ACKNOWLEDGMENTS

“Power corrupts and absolute power corrupts absolutely.” So warned Lord Byron and by its very nature of being an unaccountable star chamber with absolute power over students, the UMass Assessment Care Team is inherently “absolutely corrupt.” It is the worst possible combination of two extremes, a “cross-silo” venue for “not on my watch” administrators to shuffle responsibility so as to avoid any possibility of accountability while concurrently permitting them to hide behind a veil of total secrecy so as to preclude any possibility of effective oversight. With this agreed-upon shuffling of responsibility between the various divisions of the university, and with the student having no means to concurrently address concerns with more than one division, it is impossible for the student to find the one person who will even take responsibility for the institution’s actions.

I was never prouder of academia than after September 11th when we stood up as one and said that we would not respond to the terrorist atrocities by permitting the prejudicial bigots to defame and debase our Moslem students, that we knew them to be decent and honorable people and that we weren’t going to tolerate them all being considered potential terrorists just because they shared a characteristic with the terrorists.

I was never more ashamed of academia than after Virginia Tech when no one had the courage to say the same thing about our students with disabilities. University administrators clearly demonstrated their moral bankruptcy when they fed the flames of hysteria in response to what in reality was a far lesser threat to humanity as a whole, and to their campuses in particular.

For every person murdered at Virginia Tech, over a hundred were murdered on September 11th. If we are justified in shredding every principle of social justice, due process and respect for civil liberties in our willingness to revert to the “witch hunt” mentality of 17th Century Salem, if we are to adopt Dean Gelaye’s own logic to this situation, statistically likelihood would dictate we direct our prejudice towards the Moslem students, not the disabled ones. As she was born in Somalia, Enku Gelaye would be on the “watch list” herself and not serving as the chair of the committee conducting the inquisition.

Even if we are to justify running roughshod over the rights of others, we must realistically evaluate the relevant risks in deciding whose rights to run roughshod over. The simple reality is that the collective number of students shot at Black cultural events dramatically exceeds the collective number of students shot by these so-called “active shooters.” We may not like to admit this, but the statistics speak for themselves – numerous incidents of gun violence relating to these so-called “Black” events, the UMass experience including a two-gun shootout inside the Malcolm X Center where, by some miracle, no one was even injured by any of the flying bullets. Statistically, this is the real risk – not some hypothetical student with a disability but our known experiences with gun violence and the characteristics of those who perpetrate it.

Why then do we not simply shut down the Black Student Union and the BCMP and place all of its members on our watch list? Yes, it would be racist – much as doing the same thing to students with disabilities is ableist – and every bit as wrong. This is what prejudice is, and we all used to agree that it was wrong to judge an individual on such a basis.

It is important to remember that UMass places absolutely no value on the individual student, on any individual student. Students are considered nothing more than an inexhaustible fungible resource to be exploited for the good of the faculty and staff. Hence there is no need to ask the question of whose job it is up to clean up the mess when the guardians make a mistake because the damaged student can simply be discarded and replaced with another.

A quarter century ago, after being acquitted of all charges, Ray Donovan famously asked “and to what office do I now go in order to get my reputation back?” ACT is far worse because there is never the slightest vindication for the falsely charged student. False allegations, in my case *maliciously false allegations*, some made by Republican political operatives seeking political gain, linger and fester. Like Diphtheria, they grow to choke the student who almost inevitably fails in some manner.

Nearly three years have passed and not one top level administrator has even bothered to apologize to me, let alone made the merest scintilla of attempt to make me whole again. There is not even a pretense of attempting to help anyone, not in any of this; ACT seeks only to destroy students, to destroy them so thoroughly that they are

never heard from again. Yes the university is thus protected, but the protection is from lawsuits and negative press coverage and nothing else.

I worked damn hard for this degree, under some incredibly adverse circumstances. I would like to be proud to consider myself a UMass alumnus but I am not and do not. I intend to put my life back together and to make something of the years I have left on this planet, but anything that I am able to accomplish will be in spite of my having attended UMass and not as a benefit of it.

I survived this ordeal because I had an incredible support network of good people whom in an ideal world, I would name and thank here. I owe them a lot, some of them an incredible lot, and they will all be thanked personally – and privately. My problems started when, at the request of the university ombudsperson, I attempted to help a disabled veteran adjust to academic life, my “reward” for this unpaid task was to have my own life nearly destroyed.

If I were to list the people who helped me here, I fear that I would be doing little more than the equivalent of giving the Mafia a list of its members who are informing to the FBI. Accordingly, I am not going to list any names so as to protect everyone.

ACT Delenda Est!

ABSTRACT

A COMPREHENSIVE FIFTY-ONE JURISDICTION REVIEW OF STATUTES MANDATING AND ENCOURAGING THE TEACHING OF HISTORY IN K-12 SCHOOLS

May, 2012

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This is a linear review of the education statutes of each state for the purpose of identifying those statutes which require the state's history to be taught in its K-12 schools, with further analysis for trends and outliers.

The intent is to first serve as a benchmark as to where both each state and the nation as a whole is at this point in time. A related second point reflects upon the fact that three generations of Maine educators mistakenly believed the existence of a law which never existed. This research thus serves as a comprehensive guide to parties either interested in knowing what their own state's statutes already require and/or what statutes exist in other states and hence how their own state's statutes might be amended.

Third, in the event that a national history curriculum is adopted, this research is intended to serve as a guide as to what local content would need to be included in these national standards in order to satisfy local interests; the presumption being both that the

statutes reflect the will of the populace and that we are a federal republic of quite diverse semi-sovereign states which are not going to be identical.

An incidental interesting aspect of this research was the redundancy of laws: in one state, no fewer than five different laws, arguably six, require the teaching of the exact same curricula. Regional distinctions were found, but they were neither as clear nor as consistent as anticipated. Likewise, there was no clear correlation between a state's generally perceived political climate and the number of relevant laws which it had.

Finally, this dissertation includes a discussion of how the teaching of state history might be improved in three New England states (i.e. Massachusetts, Connecticut and Maine.

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CHAPTER 1

INTRODUCTION

The purpose of this research was to conduct a criteria-driven legal analysis of the education codes of the fifty-one jurisdictions which hold primary responsibility for K-12 education and to establish a comprehensive summary of the laws which require or encourage the teaching of state history in the state's K-12 schools. The importance of conducting this study is threefold. First, this research is intended to be a reference to educators and legislators who may be familiar with what their own state mandates, but may not be familiar with what is being done elsewhere in the country. While the conclusion applies to three specific New England states, both the suggestions contained therein and the items identified throughout this study may well be desirable for adoption in other states.

Second, the law is inherently dynamic and all research of this type is but a snapshot in time. This is intended to be a benchmark as to where the law was, nationally, at the end of calendar year 2011 – where each individual state was and thus where the nation collectively as a whole was on this topic. State laws will inherently change over time and while a mere change in law is unlikely to have a direct and measurable correlation with educational outcome, laws and situations yet unknown may be significant enough for a future researcher to compare educational outcome of the future to that of today, with the statutes documented herein being citable reference points in a changed legal landscape.

Finally as the profession weighs the benefits and costs of a national curriculum, this research shows the extent to which the states, some more than others, have exercised

aspects of their state's sovereignty over education to include aspects of their state's history into the curriculum of their K-12 schools. Hence unlike math or science, this research serves to clearly identify issues beyond just those of standards and rigor which would have to be addressed and somehow resolved before any fully-integrated and comprehensive national curriculum in social studies, American history or civics be established and uniformly accepted.

CHAPTER 2

PRIOR RELEVANT RESEARCH

2.1 Overview of first research project

Maine state law today requires that all school children be taught Maine history. Interestingly, while there is significant evidence that this has been the case for generations, the requirement was discovered to have first appeared as an explicit law in 1983 – to the utter astonishment of both the researcher and those from whom he sought assistance in locating a law which he had always been told existed. An earlier law simply could not be found.

In addition to this search for the law which did not exist, there was a secondary investigation into what other states may have as law mandating the teaching of their state's history in their state's schools. This quickly raised a third question, the rationale for teaching the state's history in its schools, why it was desirable to do so, and if any possible benefit to doing so could be ascertained.

2.2 Rationale for teaching state history

The question perhaps best answered first, and most likely helpful in addressing the narrower question of state history is why we should teach history at all.

2.2.1 Why it is important to teach history

We live in the era of “basic skills.” The days of jobs for those with strong backs or nimble fingers are over, the modern workplace is one where the employee is increasingly knowledge based and technologically driven. Even fields such auto repair and highway maintenance have evolved into high-tech operations where one without

these basic skills is essentially unemployable. We thus have come full circle to an educational world where we are now again expected to concentrate on teaching “the three ‘R’s” – reading, writing and arithmetic . Then, as now, stakeholders such as parents, politicians and the public believe that teaching these marketable skills should be the primary if not exclusive priority of the schools – not just the elementary schools but often all of K-12. In such a bottom-line driven world, exacerbated by the current economic situation and the related uncertainties, how can one justify teaching history when it is not a marketable work-related skill?

2.2.1.1 Santayana’s Influence

There is first the philosophical argument for teaching history that can be traced back to George Santayana’s *Life of Reason* (Santayana, 1905) and is often misquoted as various versions of “those who don’t learn history are condemned to relive it.” The actual quotation is that

[p]rogress, far from consisting in necessary to change, depends on retentiveness. When change is absolute there remains no being to improve and no direction is set for possible improvement: and when experience is not retained, as among savages, infancy is perpetual. Those who cannot remember the past are condemned to repeat it. In the first stage of life the mind is frivolous and easily distracted; it misses progress by failing in consecutiveness and persistence. This is the condition of children and barbarians, in whom instinct has learned nothing from experience. (Santayana, 1905, p.284)

Santayana, born in 1863, wrote this using the less culturally sensitive language of the early 20th Century. One thus must grant Santayana leeway in his use of terms like “savages” and “barbarians”, and thus while we may be offended by the insensitive analogies (and cultural ignorance) of Santayana, his point remains that history is the collective wisdom of humanity and that it essentially is similar to animal instinct, an ability to avoid harm via a collective past experience.

2.2.1.2 E. D. Hirsch

Eric Donald Hirsch, Jr., a retired University Professor of Education and Humanities at the University of Virginia, who is a champion of history and civics; is the founder and chairman of the nonprofit Core Knowledge Foundation, an organization that addresses issues of curriculum throughout the country. At a March 31, 2010 address to the Pioneer Institute, Dr. Hirsch stressed the importance of history and civics instruction, going so far as to consider it essential to preserve the country.

To illustrate his point, Hirsch recounted the story of when the Constitution had been completed in 1787 and there was a great deal of question as to what form the new government would take. Two women reportedly went up to Ben Franklin, Hirsch said, and asked him what kind of government they would have, with Franklin replying “a republic, if you can keep it.” Hirsch’s point being that the very survival of our form of government depends upon each generation being given a solid background in both civics and the relevant history behind it. (Hirsch, 2010)

2.2.1.3 Social Studies versus History

A related complicating aspect is that the subject of Social Studies (as currently taught in high school) is actually a combination of diverse academic subjects which once were taught individually. Citing an unattributed reference to “The Civic Mission of Schools”, the National Center for Learning & Citizenship (NCLC) states that until the late 1960's most students completed three courses to prepare them for democratic citizenship. “Civics” taught students the rights and responsibilities of citizenship; “democracy” involved them in discussion of current events and public policy issues; and “government” emphasized the structure and functions of the federal and state government. (NCLC, 2003.)

The issue is actually larger and more complex as the NCLC is only concentrating on citizenship and thus neglects to mention the history component of the traditional high school curriculum.

A common combination often consisted of American history, European history, Classical Greek & Roman history and perhaps some form of non-Western history, often that of China. From all of this, with the added inclusion of aspects of sociology and social justice, molded with the issues of the then-current tumultuous 1960's, emerged the current K-12 academic subject of Social Studies.

2.2.1.4 Social Studies Unique to K-12

One must also remember that Social Studies exists only as a distinct academic field in the realm of K-12, while K-12 itself a Twentieth Century hybrid between the universal one-room grammar school of yore (complete with separate doors for the boys and girls) and the private high school “academies” preparing wealthy boys for college and wealthy girls for social marriage. One needs to remember that the concept of thirteen years of free public education is relatively new, that there was a time when high school is what college is now – an educational opportunity for those with the ability to pay for it.

Well into the last century, education for the masses ended at the sixth or eighth grade, the skills taught were largely the basic “three-‘R’s” of “reading, ‘riting and ‘rithmetic; it was only the children of privilege who attended these private academies.

2.2.1.5 Teachers of subject matter versus teachers of children

The high school teacher was – and to a large extent still is – pedagogically closer to being a college professor with the knowledge of and ability to teach a single subject to groups of children than to the teacher in the elementary school who teaches all subjects to

a single group of children. (The middle school has historically been in the “middle” of these two educational variants with the elementary school first defined as being up through the 8th grade, and then the introduction of “junior” high schools, and now the mosaic of variants we see today.)

Historically the high school teacher had a four-year college degree in the subject being taught while the elementary school teacher (who was often paid less) only had a two-year “normal school” degree. Even today there is a hard line of demarcation between the generalist elementary school teacher, issued a license to teach all subjects, and the secondary school teacher whose certificate only authorizes the teaching of a specific subject or subjects. For example, this researcher’s secondary school certificate authorizes him to teach Social Studies and English in grades 7-12, with an emergency waiver he also was once temporarily certified in Math as well, while the same jurisdiction issues blanket elementary certificates for the lower grades.

This is reflected in the teacher certification process, the secondary teacher’s curriculum is weighted more toward specific subjects and the methods of teaching them while the elementary teacher’s curriculum, by necessity, more involves issues of child development and dealing with the “whole child.” This divide is further exacerbated by the common practice of having one high school with several smaller elementary schools, in the higher grades teachers advance into administrative positions via their specific subject (i.e. department chair positions) while in the lower grades teachers advance into positions of building principal.

The teachers in any elementary school have a lot in common. They took the same courses to become certified, they are largely qualified to do each other’s job, and often

switch grade levels from year to year to avoid burnout. Their collegial associations are with the fellow teachers in their small building, these are the people in their comfort zone and with whom they will sit at a district-wide conference.

The high school teachers, by contrast, have very little in common with those who teach other subjects, subjects which they may not even know that well themselves.

Where a large multi-town district may have upwards of a dozen elementary schools, and may even have two or three middle schools, almost inevitably there will be just one high school, broken down into academic departments. The comfort zone for these teachers is their subject and those who also teach it; at the conference, they will largely be found sitting with the members of their department.

Now teachers often marry other teachers and spouses tend to sit together at a conference, as do parents and children when both generations are employed as teachers. The teachers who coach a sport will often sit together, as will those who are active in the union or who share some other common interest, be it political, social or school related. In a geographically far-flung district or at regional conferences, in situations where people carpooled directly from their homes, teachers will tend to sit with those with whom they shared a vehicle.

Likewise there are the elementary school teachers who have a particular interest in and/or aptitude toward a specific academic subject as well as high school teachers with an interest in “whole child” issues ranging from human development to disability accommodations. A high school teacher who is also the parent of a young child will almost inevitably be found amongst the discussions of child development because it is of personal relevance to the teacher as parent.

But these exceptions prove the rule. Prior to evaluating the relevance of this, however, one must first reflect upon what social studies itself is.

2.2.1.6 Social studies thus an academic discipline unique to K-12

Social studies is unique. Existing only in K-12 as a unique conglomeration of many independent academic disciplines, it is unique in that only in K-12 does it exist as its own discipline and not as the assorted independent ones. Further, while there are social studies methods courses taught on the college campus, these are education courses directed toward the teaching of the subject and not curricular courses in the subject itself. One simply does not get a doctorate in “social studies”, while there may be dissertations written about how to teach it and doctorates of education awarded as a result, the only relevant doctorate of philosophy degrees are those in the field’s underlying subcomponents.

2.2.2 Teachers trained as specialists are expected to teach as generalists

The situation is further muddled by the lack of any common collegiate preparation amongst those certified to teach Social Studies. Unable to major in a subject that does not exist on the baccalaureate level, teachers who earned their degree in one of its subcomponent areas are then expected to competently teach all of them. Thus the political science major teaches history while the history major teaches civics, the economics major struggles to explain the nuances of the civil rights movement while the social justice major struggles to explain the hyperinflation of German Weimar Republic.

This can even extend to the teacher’s own base of knowledge and ability to comprehend the curriculum being taught, the geography major failing to truly comprehend why Hitler burned the Reichstag while the psychology major fails to truly

comprehend how an average elevation over 1000 feet adversely affected the economic development of Africa. (In both cases the teacher can recite what the textbook says, but when the gifted child asks “why”, the effort of the teacher inevitably will inevitably involve an attempt to conceal the fact that the child already knows more about the subject than the teacher.)

This practice is not unlike training medical doctors only in advanced specialties and then expecting them to be general practitioners. The cardiologist, obstetrician and rheumatologist would be qualified to care for any patient with needs reflective to their respective specialties but without their prior general medical education, woefully unprepared for anything else. Yet this is how we train social studies teachers, we teach them but a sliver of the entire field and then expect them to be able to teach it in its entirety.

2.2.3 Specialization less possible in small schools

Teachers can and often do collaborate. The social studies teachers in a large system have routine contact with each other and in a collegial department often draw on the expertise of each other. Likewise, in an urban or suburban community, they are likely to have ongoing personal contact with social studies teachers in adjacent school districts – people whom they may know socially and independent of both the school and the union.

In the smaller school districts that are more remotely located in the rural areas, all of this becomes less likely. Where a large high school may have four social studies teachers all teaching the courses they feel most comfortable with, the smaller high school

may just have “the” social studies teacher who teaches all of the social studies classes. Exactly whom is such a singular teacher to collaborate with?

2.2.4 Situation worse at elementary school level

And this is only in the high school! While some subject matter specialization is coming into the elementary schools (often as quid-pro-quo arrangements between individual teachers) the elementary teacher is expected to not only know all aspects of Social Studies but also other subjects such as Math, Reading, English and Science. Even if she, and it still is largely a she, has a college major in one of the subjects she teaches, it will only be in one – still more common is the teacher who majored in Education and perhaps had a course or two in other fields.

2.2.5 Personal learning as an adult versus developmentally appropriate instruction

Worse, she learned the material in a context and manner appropriate for a nineteen-year-old adult and not that appropriate for a nine-year-old child. To the extent that gender differences in learning exist, she also learned it as an adult woman and not a pre-pubescent boy. Arguably, her knowledge of child development and pedagogy would enable her to overcome this deficit, but that presupposes that her own education was one of universal knowledge.

Had she been taught the total knowledge of humanity – as was supposedly done in the 19th Century – she would have had a universal knowledge upon which to draw. But, ironically, as the K-6 teacher has increasingly been expected to have an even broader universal knowledge upon which to draw, the education of these teachers has become that of a well-taught but quite narrow sliver of the whole curriculum.

2.2.6 20th Century changes in history curriculum

The 20th Century saw two interesting trends occurring in concert. As the traditional centuries-old academic doctrines were coming together to form the singular field of K-12 social studies (along with the concept of a universal twelve year public education), in the university itself entire new programs were being spun off from the existing framework. Were higher education organized in the model of K-12, fields as diverse as computer science and women's studies would have remained as components of the academic subjects from which they evolved; the computer scientists would receive doctorates in electrical engineering or physics while the English and sociology departments would be issuing the degrees in women's studies.

2.2.7 Social studies thus sum of many parts

Social studies thus must be considered the sum of its many parts. Often considered a social science because most of these parts are from various relatively new social science fields, its component of history is more of a humanity than anything else. History's basis in the humanities rapidly became apparent during attempts to find the rationale for teaching it, while countless reasons for teaching what are generally considered the "citizenship" skills and the related social sciences could be found, this researcher was unable to find any for the teaching of history per se.

2.2.7.1 Using social science criteria to evaluate the value of teaching history

Interestingly, an article ran in the Bangor [Maine] Daily News (Hauger, 2006) about attempts to preserve and reuse abandoned mill complexes in Maine. As the article quoted University of Massachusetts Graduate School Dean John Mullin in a discussion of the value of saving the old buildings, an inquiry was made of him about historical

justifications for preservation. After all, it was assumed, if often significant financial resources would be involved in preserving old buildings rather than bulldozing them and building new ones, then people presenting these options to public or private funding agencies would have to be able to articulate them to gain funding.

The value of the teaching of history would thus be the same as the value of preserving historical buildings, the clear benefits obtained from preserving history could then arguably be cited as a benefit obtained from the teaching of it as well.

Dr. Mullin responded that he “relied extensively on materials from the National Trust for Historic Preservation and the Urban Land Institute. (Mullin, Personal Communication, 2006) A review of the websites of these two organizations (www.nationaltrust.org and www.uli.org) was made. Extensive coverage of how reusing existing buildings conserves natural resources, reduces global warming and thus is consistent with social goals of conservation and recycling was found. In addition to the economic aspects of this, extensive discussions of the financial advantages of historic preservation as a generator of tourism dollars was found. But no clear benefit of the preservation of history qua history was claimed – nowhere was a benefit claimed from the intrinsic historical nature of the preserved structures.

2.2.7.2 History as Humanity and not Social Science

As research progressed and nothing relevant could be found relevant to the justification for teaching history, an attempt was made on the main Google (as opposed to Google Scholar) so as to perfect the bolearian search terms. It was at this point it was discovered that history is generally considered to be a humanity, not a social science. In

describing itself, the National Endowment for the Humanities (NEH, 2007) answers the question of “what are the humanities” by stating that

[a]ccording to the 1965 National Foundation on the Arts and the Humanities Act, "The term 'humanities' includes, but is not limited to, the study of the following: language, both modern and classical; linguistics; literature; history; jurisprudence; philosophy; archaeology; comparative religion; ethics; the history, criticism and theory of the arts; those aspects of social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to reflecting our diverse heritage, traditions, and history and to the relevance of the humanities to the current conditions of national life." (NEH, 2007)

The merits of teaching history thus rest in the merits of teaching the humanities.

While logically linked to citizenship education, while a component of a Social Studies curriculum that is otherwise composed of social sciences; history, like literature, is rooted in the humanities. The question thus becomes one of why we should teach the humanities?

2.2.7.3 Why teach the humanities

The Massachusetts Foundation for the Humanities (2006) answers this question with the opinion that the “humanities are socially useful” because “they fulfill vitally important needs” such as

critical and imaginative thinking about the issues that confront us as citizens and as human beings; reasoned and open-minded discussions of the basic values that are at stake in the various policies and practices that are proposed to address these issues; understanding and appreciating the experiences of others, and the ways in which the issues that confront us now have been understood in other times, places and cultures. (MFH 2006)

The Massachusetts Foundation for the Humanities (2006) concludes by stating that since “[t]he humanities concern themselves with the complete record of human experiences” “[w]e need the humanities” because “[w]ithout them we cannot possibly govern ourselves wisely or well.” History, a humanity, is thus a basic skill or prerequisite

essential to the facilitation of citizenship education but not a part thereof. As such, it resembles English grammar or etiquette, skills essential to public participation in civic affairs but completely unrelated to it.

That the humanities are part of the traditional liberal arts curriculum is a given, but what is the value of the liberal arts curriculum in general?

2.2.7.4 The immeasurable values of the liberal education

The mission statement of The Academy at Charlemont was reviewed as it is generally considered as having a progressive approach to the traditional classical liberal education. The Academy's Mission Statement (Charlemont, 2007) states it believes "that the members of a free society should share a body of basic knowledge that both enables individuals to grow and flourish and equips them to contribute to the well-being of the larger group." While this is reflective of the general philosophy of liberal education dating back to Newman (1996), it still does not clearly articulate a measurable quantitative benefit gained from history education.

As history is a humanity, it lacks the discrete quantitative characteristics of the social sciences. Even as part of the Social Studies curriculum, itself presented as a social science, history is a humanity. As such, it is quite likely that there will be no quantitative studies as to its effectiveness in promoting civic outcomes as that which is not quantitative in nature is not easily measured by quantitative means.

2.2.7.5 Why teach history

The justification for teaching history thus becomes the same as the justification for teaching literature or art, such education producing benefits that can only be measured in the context of the purpose for the liberal education, the education of the so-called "well

rounded” citizen prepared for a life of participatory self-governance. Measurement of educational outcome, such as it is possible, must be done by qualitative rather than quantitative means.

2.2.7.5.1 Historical knowledge essential for a liberal society

The teaching of history is justifiable within the context of teaching children those skills necessary for their adult life in a free society. While not a citizenship skill in and of itself, it serves in a manner similar to grammar and logic, fundamental skills that exist as an essential prerequisite to citizenship. History, like all humanities, also serves to build a foundation and perspective upon which public participation can be built. But why teach local history, particularly in the era of globalization and high mobility?

2.2.7.5.2 Challenges of globalization not new, have historical precedents

First, this is not the first time that dramatic improvements in transportation and communication have created a vastly different world. In reviewing the correspondence of Nathaniel Bowditch at the Boston Athenæum, one can see the dramatic improvements in the postal system during the first two decades of the Nineteenth century (Cutting, 1992). In an era where mail consisted of paper transported by stagecoach, the establishment of good “post roads” served to expedite the transport of not only mail but people and goods. Notwithstanding our advanced technologies and even the Interstate Highway System, we are still using these roads – they are much wider and now paved, but they are still the same roads.

2.2.7.5.3 19th Century change

Society underwent a rapid transformation when roads such as these were hacked out of the wilderness. Travel which had taken weeks before only took days and culture can be viewed as that before the post roads and that after it. In a similar manner, the introduction of the railroad and the telegraph again served to make the country smaller. While much of it was hidden in the greater turmoil of the Civil War, immediate electronic communication and the railroad boxcar (including the boxcar refrigerated with blocks of winter-cut ice) changed America far more than Globalization ever could or will.

While we look at the narrow-gauge railroads of the Nineteenth Century as flimsy and often downright dangerous, future generations may well view our “Globalization” technologies with equal contempt. Living in the age where today’s ubiquitous truck can carry more than the entire train of that era, it is easy to forget how those flimsy trains replaced canal barges and buckboard wagons. Watching the C5-A Galaxy circle overhead, a plane so massive that it could fly entire trains without difficulty, it is easy to overlook the significance of earlier technological innovations and to downplay the truly significant innovations of the 20th Century. Nonchalantly driving cars that can travel over 300 miles without stopping, we would view the steam train’s having to stop every nine miles for water as primitive and the related practice of building towns nine miles apart to facilitate this as being rather quaint.

In Colonial times it was easier to sail firewood down to Boston from Maine than to haul it over the rutted roads of the era. A century later, the frying pan (or cookstove) manufactured in a place like Bangor would be half the weight of one from a foundry in Boston or Portland, it was being sold to someone without access to water-borne

transportation and weight very much was an issue. While the frying pan of today, made in China and already transported halfway around the world, can be nonchalantly be tossed into the trunk for the ride home, this was not always the case. The 19th Century was a time of rapidly advancing technology and the railroad did to the canals what the internet is doing to the Post Office today.

A sufficiently advanced technology is often said to be indistinguishable from magic and these now archaic technologies from the era of steam would have been considered magic (or witchcraft) a generation prior. General Knox was considered a military genius for hauling cannons through the largely untamed wilderness of Massachusetts, after the development of the post roads, similar cartage became nonchalantly routine. The railroads made cartage again easier and permitted things to be hauled at the incomprehensible speed of “a mile a minute” (60 MPH), something that would have been as magical to General Knox as the ability to make the cannons fly. Which, of course, we now could do with a simple hoisting sling off a helicopter in the manner that supplies are now sent to the offshore lighthouses.

2.2.7.5.4 20th Century change

A third era of dramatic technology-driven change occurred in the early 20th Century. The rapid introduction of the paved highway eliminated “mud season” quagmires, with increasingly powerful plows, the roads were now passable in all seasons. The 1922 New England agreement to create a uniform system of numbering highways (Times, 1922), still largely in use today, and the bridging of previously uncrossed rivers all served to create a new world where one could drive from Boston to China (Maine) in about the same amount of time that one can now fly from Boston to the People’s

Republic of China. And long distance voice telephony created instant real-time communication rivaled only recently by the internet.

The great leap forward was in instant (telephone) communication and efficient transportation between Amherst and Moscow, Maine a century ago – as much as one talks about a “global village” and the ability to communicate with Moscow, Russia today, the change of the earlier century was far more dramatic, the great leap forward was the advance from hand-carried paper correspondence to the voice-based telephone. Notwithstanding the development of massive airplanes such as the C5-A, a plane so huge that the Wright Brothers could have had their flight inside the plane’s cargo bay (William Eagan, Personal Communication, 1997), the difference between horse drawn cartage and the railroad and steamship was far more significant.

2.2.7.5.5 Social responses to eras of dramatic change

Arguably, the Morrill Land Grant Act was a response to an earlier era of rapid change. “Globalization” is neither the first time technological change has imposed social change nor is this the most dramatic era of technological change. Imagine even the simple incandescent light bulb and how pushing back darkness changed society in manners previously unimaginable.

As will be discussed later in the context of laws relating to the teaching of Maine history, periods of rapid technological and economic change tend to create desires to preserve and promulgate local histories. To the extent that the current wave of advanced transportation and communication technologies will create a “global village”, these changes

2.2.8 Teaching of state history thus important

The value of teaching state history is that of the value of teaching the humanities in general, the immeasurable aspects of exposing children to the liberal arts, of preparing them to live a life of self-governed liberty.

2.3 Research methods employed in earlier research

2.3.1 Attempt to use state websites

The first attempt to systematically compile a database of state laws that require the teaching of the respective state's history was undertaken by evaluating the official web sites of the respective states. This approach was ultimately rejected for three reasons. First, it was found that there was no common organizational structure as to how information was arranged which precluded any consistent research approach. Combined with the convoluted nature of the web sites and the non-linear nature of a hyperlinked document in general, it was quickly found that there was no way of even knowing of the effective thoroughness of one's research efforts.

Second, it was found that official state websites had an emphasis on tourism, current events and governmental e-commerce. Information which the state thought people ought to know was easy to obtain while anything else was virtually impossible to locate which led to the third reason for rejection: each was, to some extent, a public relations vehicle for the state's governor. It was felt that public relations publications ought not be used as the primary source for academic research.

2.3.2 Survey of state officials

Consideration was given to a mailing sent to appropriate officials within each state's department of education. In addition to likely difficulties with getting timely and accurate responses (if at all), identifying key individuals to target initially proved problematic. For these reasons, this approach was initially rejected as well.

2.3.3 Westlaw employed

A decision was then to use Westlaw, one of the most reputable electronic data base of legal materials. The Westlaw research was limited to searching for only those states in which the teaching of state history is required by statute, as is the case currently in the State of Maine.

2.3.3.1 Not all states are states

An initial flaw in the research design was discovered relating to the fact that four states (Kentucky, Massachusetts, Pennsylvania and Virginia) are not states but "Commonwealths, and thus legal references to the teaching of state history in these four states would be stated as the teaching of the history of the "commonwealth" and not of the "state." This design flaw was remedied by conducting additional research into these four states with a search for laws requiring the teaching of either state or commonwealth history.

2.3.4 Survey Reconsidered

It was then suggested that the decision to not do a survey may have been premature. A "dear colleague" letter was composed and sent via postpaid first-class mail to the chief educational officer of each state. The survey was sent on bright yellow paper

so that it would stand out from other papers on a desk, and a prestamped envelope was enclosed for a reply. An email address was also given with a suggestion that electronic replies could also be sent.

2.3.5 Evaluation of survey results

Of the 51 “states” (including the District of Columbia), there were 27 responses (23 not responding) for a 53% response rate. Like any survey of this type with respondent self-selection, possible variance could have resulted from the attitudes of both the individual executive and the larger state department of education relative to the teaching of state history.

For example, a letter sent thirty years ago to the Maine educational authorities would have been answered that Maine law required the teaching of Maine history while no such law actually existed until 1983. Conversely, the bureaucracy can frustrate an unpopular legislative mandate via various means, simply ignoring its existence being one of the more commonplace.

Beyond this, with a sample population so small, there are an immeasurable number of variables including the current political environment of each state. There are always things that a bureaucrat wishes not to reduce to writing – and others that the bureaucrat would like to see widely publicized. Absent a detailed knowledge of not only each state but the internal workings of the respective state government bureaucracies, it is not possible to read with absolute knowledge beyond the actual textual words obtained.

However the purpose of this research was to learn what the other states are doing, not what they are supposed to be doing. As would be later discovered, the purpose of the initial research was more to discover what the authorities thought the law said, as

opposed to what it actually did say. Thus both the false positives and false negatives become irrelevant distinctions without difference in that the most valuable information is what authorities say they are doing – regardless of what they technically are supposed to be doing.

2.4 Summary overview of states other than Maine

It was found that of those states which sought to have their state history taught in their state's schools took three basic approaches, that of mandated curriculum, mandated certification, and provision of resources. A fourth approach of requiring teaching about specific groups of people within the state was sometimes found to be a facet of the first two approaches.

2.4.1 Mandated curriculum

States adopting the first approach of a mandated curriculum usually did exactly that. The state would mandate that it be taught, often in which grade(s) it be taught, and sometimes even to the extent of which aspects must be taught. The approach of requiring inclusion of specific group(s) was most often found as an aspect of this requirement.

2.4.2 Knowledge required for teacher certification

States adopting the certification approach sought to facilitate the teaching of the state's history by ensuring that its teachers themselves knew it. This usually either consisted of requiring the state universities (from which, presumably, the teachers all came) to teach it to everyone or to require that the specific certification programs teach it. Aspects of racially specific history was also found here.

2.4.3 Provision of resources to facilitate the curriculum

States adopting the provision of resources approach were nothing if not creative. From designating specific individuals responsible for assisting the schools in their efforts to providing funding lines to facilitate it, from including it in the obligations of state museums to that of state historians, a variety of approaches were found.

2.5 Specific findings of states other than Maine

2.5.1 Alabama

Alabama law requires that a student have “four years (equivalent of four credit units) of social studies...” and further states that the “Legislature further requires that the curriculum content of American history shall include the teaching of important historical documents including the Constitution of the United States, The Declaration of Independence, the Emancipation Proclamation, the Federalist Papers, and other such documents important to the history and heritage of the United States.”

The same statute states that the “State Board of Education, on recommendation of the State Superintendent of Education, shall prescribe the minimum contents of courses for study for all public elementary and high schools in the state. In every elementary school there shall be taught ...history of the United States and Alabama....” Starting with the 1995-96 school year these courses became required in “grades one through eight.” The statute also states that “Social studies shall emphasize geography and history of the United States and Alabama.”

The state law also addressed the issue of a “comprehensive character education program” and required that “not less than ten minutes instruction per day focusing upon ... courage, patriotism, citizenship, honesty, fairness, respect for others, kindness,

cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, patience, creativity, sportsmanship, loyalty, and perseverance.” It is also required that “each plan of instruction” for compliance with this requirement “include the Pledge of Allegiance to the American flag.”

Several of these items, including “patriotism”, “cooperation”, “tolerance”, “school pride” and “respect for the environment” are potentially subject to challenge. Those on the political left could have grounds, based on the manner in which the values are expressed and taught, to be opposed to “patriotism” and “school pride” while those on the right may equally be concerned about requirements for “tolerance” and “respect for the environment.” “Patriotism” itself can be a hot button topic ranging from the display of the American flag to a perceived pressure to support certain elected officials, the reader’s attention is also directed to West Virginia v. Barnette.

2.5.2 Alaska

Alaska requires three units of social studies which includes a half credit in Alaska history or demonstration that the student meets the Alaska History Performance Standards. Students transferring into an Alaska public school who have successfully completed a high school history course from another state are exempted from this requirement.

2.5.3 Arizona

The State of Arizona requires the teaching of the Arizona Constitution and the teaching of Arizona History.

2.5.4 Arkansas

Arkansas law requires that “a unit of Arkansas history be taught as a social studies subject at each elementary grade level...with greater emphasis at the fourth and fifth grade level” and further that “at least one (1) full semester” be taught between grades seven and twelve. The law also requires that the curriculum reflect the history include “the significant contributions and achievements of all segments of the population.”

Arkansas law also requires that no person be certified “as a social studies teacher or as an elementary school teacher” “unless the person has successfully completed at least three (3) hours of college course work in Arkansas history.” There is a provision allowing a “one-year nonrenewable provisional certificate to teach” to be granted to teachers “from another state” which would lead one to believe a legislative intent to have teachers schooled in state history – that is otherwise qualified teachers not schooled in Arkansas could be hired as long as they learned it within the year.

Arkansas state law also requires that African American history be taught.

2.5.5 California

California’s education law states that a “course of study in training for citizenship” must include “state and community civics.” While relating more to immigrant education, this statute demonstrates a legislative intent to include the teaching of the state’s history, as an aspect of state civics, in the context of a larger course of instruction in American government.

California’s laws relating to teacher certification require “...standards for all examinations and assessments which shall ensure that all prospective teachers

demonstrate an understanding of the history and cultures of the major ethnic populations of this state...”

The state’s laws also require that the state board of education “ensure that minimum standards for courses in American government and civics include sufficient attention to teaching pupils how to interact, in a practical manner, with state and local governmental agencies and representatives to solve problems and to petition for changes in laws and procedures.”

A requirement of this type is an interesting application of the state’s police power, particularly in light of the requirement that the “California Native Americans” be involved in deciding what is to be taught about their history. On the one hand it ensures that those who have the greatest cultural link to the history being taught have a vital say in creating the curriculum, on the other hand it has the potential of sanitizing history into only the positive aspects – not unlike the consequences of Richard Nixon being considered the only one qualified to write the history of the Watergate era. It also raises the issue of if history belongs only to persons of the specific race or if it belongs to humanity as a collective.

The legislature has also decreed that the state librarian may award grants and/or contract with instructional resource developers to assist in the development of curriculum related to the “teaching of Native American history” and that this should not only include “scholarly inquiry related to the variety of experiences of California Native Americans” but also “involve California Native Americans.” The legislation goes on to state that there are “107 recognized Indian tribal governments in California” and “[c]olonization occurred by four distinct groups, Spanish, Russian, Mexican, and American.” This

would appear to indicate that there is an existing understanding of state history to which the local Indian history is being added.

California is thus somewhat similar to Maine in that an existing history curriculum is being appended to include Indian History. Like Maine, it raises the issue of to whom does the history belong, who gets to decide what the important facts shall be? And if the Indian history is perceived to be the property of the Indian governments of today, should the history of California's Mexican population belong to the Mexican government? And at what point does the teaching of history evolve from a humanity into blatant political advocacy, at what point does group ownership of the group's history become itself problematic?

Also relevant to the assumption that there is some underlying requirement of a California state history curriculum is Shinn v. State, a 1961 truancy case where it was decided that courses taken via a correspondence school would not exempt the students from the truancy statute because "[t]he children had no instruction in history of California nor any formal courses in civics." While the case also discusses the parents' lack of proper teaching credentials, the failure to teach California history appears to have been the fact upon which the court made its decision.

This would imply that the teaching of California history was considered – at least in 1961 – as a critical aspect of California's public education. It should also be noted even though the children's parents were college faculty members and that the children were considered to be of "superior intelligence", the court found their education lacking because there was no instruction in California history.

2.5.6 Colorado

A new Colorado requirement for the teaching of US or Colorado state government takes effect for those graduating from high school in 2007. As the research criteria of this research was mandatory curriculum, this was considered irrelevant as the statute stipulated either US or Colorado government and thus created an optional requirement to teach the latter.

2.5.7 Connecticut

Connecticut law requires the State Historian to “assist the State Board of Education in efforts to promote the teaching of history in schools and teacher preparation programs.” Unlike most similar requirements, in this case the State Historian is only required to assist in the promotion of the teaching of history in general as opposed to any state-specific history.

On a practical note, however, state historians tend by their very nature to be particularly attuned to the history of their particular state and thus in the absence of a definition of the “history” that the Connecticut State Historian is to help promote, it is reasonable to assume that it will be the history of the State of Connecticut. One must also remember that the Colony of Connecticut began with the Massachusetts Bay Colony’s victory over the Pequot Indians and hence wonder if the statutory language was intentionally vague to reflect modern sensitivities.

A reference to Connecticut is also missing from the requirement that the State Board of Education shall “assist and encourage” the local districts to include “(1) Holocaust education and awareness; (2) the historical events surrounding the Great

Famine in Ireland; (3) African-American history; (4) Puerto Rican history; (5) Native American history; (6) personal financial management.”

A specific reference to the Pequot Nation is missing from the requirement to teach Native American history, although even with the casinos less profitable in these less prosperous times, it would be hard to cover Indian history in a Connecticut school without mention of both the Pequot War and the subsequent massacre of the tribe in what historians consider to be an attempt at genocide.

It also is interesting to note the non-inclusive nature of world history mandated. The Holocaust education and awareness lacks any reference to other genocides ranging from the grisly aforementioned to any reference of Stalin or Pol Pot. Likewise, Puerto Rican history is not that of all the Hispanic peoples, Puerto Rico is but a small island with its own history and culture, both distinctly unique in the larger mosaic of Hispanic histories and cultures. One must thus speculate that Connecticut was attempting to shape a curriculum that reflected the cultural/racial roots of its citizens and thus this could be interpreted as a state history requirement of a somewhat different sort, that of the state's peoples.

2.5.8 Delaware

Delaware Regulation 502 requires that all districts “align their curriculum to state standards” which includes a state history requirement.

2.5.9 District of Columbia

While the District of Columbia is not a state, existing as a unique municipal corporation that derives its authority from a Congressional grant of the unique

Constitutional authority over the so-called “district” allotted to the Federal government, it is a valuable example for comparison purposes.

District of Columbia schools require a half unit in the study of the unique politics and history of the city-state, a state history requirement of sorts.

2.5.10 Florida

Florida law states that

“it is the duty of the” states’ Historical Museums to

“[p]lan and develop, in cooperation with other state agencies and with municipalities, programs to promote and encourage the teaching of Florida’s history and heritage in Florida schools and other educational institutions and other such educational programs as may be appropriate.”

Florida law also requires that the history and governmental structure of the state be taught in grades eight and nine. The state division of public schools is responsible for encouraging the development of curriculum, Florida is also a state that adopts textbook on a statewide basis.

2.5.11 Georgia

Georgia History is required for students in the Eighth Grade pursuant to Rule 160-4-2-.07. A study of Georgia’s institutions and ideals as well as a study of state and local governments is required to be included.

2.5.12 Idaho

While Idaho has no state law mandating the teaching of state history, the State Board of Education requires the teaching of Idaho History in the Fourth Grade as an aspect of the Social Studies content standards.

2.5.13 Illinois

Illinois law states that the

“[history of the United States shall be taught in all public schools and in all other educational institutions in this State supported or maintained, in whole or in part, by public funds. The teaching of history shall have as one of its objectives the imparting to pupils of a comprehensive idea of our democratic form of government and the principles for which our government stands as regards other nations, including the studying of the place of our government in world-wide movements and the leaders thereof, with particular stress upon the basic principles and ideals of our representative form of government. The teaching of history shall include a study of the role and contributions of African Americans and other ethnic groups including but not restricted to Polish, Lithuanian, German, Hungarian, Irish, Bohemian, Russian, Albanian, Italian, Czech, Slovak, French, Scots, Hispanics, Asian Americans, etc., in the history of this country AND THIS STATE. The teaching of history also shall include a study of the role of labor unions and their interaction with government in achieving the goals of a mixed free enterprise system. No pupils shall be graduated from the eighth grade of any public school unless he has received such instruction in the history of the United States and gives evidence of having a comprehensive knowledge thereof.” (Emphasis added.)

Illinois not only requires state history, not only requires that this history be related to the history of past oppression, but delineates sixteen specific groups that have to be included within the context of this historical inquiry. It is an interesting approach and one may speculate on how it was a compromise between those seeking to include specific requirements for African American history and those believing that it should be included within a general requirement of the teaching of all peoples – the end result being that every group is specifically named.

It should also be noted that in requiring an emphasis upon “...the principles for which our government stands as regards other nations, including the studying of the place of our government in world-wide movements and the leaders thereof...”, the Illinois legislature could possibly be crossing the line into political advocacy. One could easily see such language being introduced in the flag-waving patriotism of the late 1950's with

the clear intent to teach children about “the evils of Godless Communism”; the Soviet Union considered itself to be but part of a “world-wide movement.”

In addition to this prerequisite for eighth grade graduation, Illinois law requires high school students to “successfully complete” “two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.”

2.5.14 Indiana

Indiana law (20-30-5-7) requires that the state constitution, governmental system and history of Indiana be included in the curriculum.

2.5.15 Iowa

Iowa law established an Iowa Heritage Fund which appears to be funded by the sale of distinctive license plates and ninety percent of which is to be “retained by the state historical society and used to maintain and expand Iowa’s history curriculum, to provide teacher training in Iowa history, and to support museum exhibits, historic sites, and adult education programs.” (Iowa Code § 303.9A)

Iowa’s approach is innovative and quite interesting. Rather than attempting to specify what must be taught or who must be trained to teach it, it creates a general allocation of funding which can be applied toward those projects which the state’s historical society consider to be worthy of funding toward this effort. A funding source for training teachers in Iowa history has the potential of creating programs directed toward that purpose and (assuming the success of the license plates) and is different from an unfunded mandate in that the funds are there and thus seeking to be spent. Instead of

requiring that an organization do something, Iowa has taken the rather unique approach of handing them monies that they can spend toward doing it.

The possibility also exists that the license plates were created at the specific request of the historical society so as to provide a funding source for the purpose intended. Distinctive license plates are a voluntary surcharge on vehicle registrations and thus a voluntary tax. In this particular case, the funding source comes directly from the public rather than through their elected officials – and only continues as long as the public is willing to support it.

2.5.16 Kansas

Kansas law states that “[e]very accredited elementary school shall teach ... history of the United States and of the state of Kansas, civil government and the duties of citizenship.” This is perhaps the clearest example of a requirement similar to Maine’s - there is no reference to how the teachers are to acquire the knowledge, what the specific curriculum should include, or how it is to be funded. A different Kansas law states that “[t]he state board of education shall provide for a course of instruction in Kansas history and government which shall be required for all students graduating from an accredited high school in this state.”

The reference to “accredited” is both interesting and confusing. While the state board is granted the authority over the “accreditation of schools including elementary and secondary, public and nonpublic“, the Kansas Constitution states that “[l]ocal public schools under the general supervision of the state board of education shall be ... operated by locally elected boards.”(Kansas Constitution Article 6.5)

There is a reference in an unrelated judicial decision that states that the mission of the Kansas Board of Education is to “equalize and promote the quality of education through statewide accreditation and certification of teachers and schools.” (KSA 72-1101)

A statute authorizing professional development restricts it to those “serving regularly in the accredited elementary and secondary schools” and a second one relating to minority graduate student fellowships requires that the applicant “enter into the full time employment of an accredited elementary or secondary school...” as a condition of the award. It thus appears that accreditation is the means by which the state influences local school policies and practices. (Kansas Statutes Annotated 72-1117)

2.5.17 Louisiana

Existing as the only American state to operate under the Napoleonic code, Louisiana is somewhat unique. As the nation learned in the aftermath of Hurricane Katrina, Louisiana is also a state with vastly differing regions whose divergent histories have led to regional diversity that exists into the current era. The state also has an interesting and perhaps unique approach to the teaching of Louisiana history, that of teaching regional history. Louisiana law first authorized a variety of regional historical societies and then charged them with assisting the elementary and secondary schools in the teaching of state history - sometimes only specifying the history of the local parish.

For example, the West Baton Rouge Museum Board is instructed to “[c]ooperate with the parish elementary and secondary schools in the teaching of the history and culture of the parish.”(Louisiana Revised Statutes 25:1206) The Louisiana State Exhibit Museum is located in Shreveport and while not restricted to just the local parish, it is

instructed to “cooperate with Louisiana schools and institutions of higher education in the teaching of social history, cultural history, natural history, art, science, technology, and the culture of Louisiana emphasizing the northwest region of Louisiana.” (Louisiana Revised Statutes 25:279)

The “Old State Capitol” is instructed to “cooperate with Louisiana schools and institutions of higher learning in the teaching of Louisiana history and culture.” (Louisiana Revised Statutes 25:375) It is important to note that a different statute (Louisiana Revised Statutes 25:375E) indicates that an “Old State Capitol Memorial Commission” was abolished and “its functions” transferred to the secretary of the Department of State. This would serve to explain this legal burden to what would appear to be an inanimate building; while the legislation is not clear, it would appear that the duty was originally assigned to the now-dissolved commission and has since been assumed by the Louisiana Department of State.

Likewise, the Louisiana State Museum is told that it “shall cooperate with Louisiana schools and institutions of higher learning in the teaching of Louisiana history and culture.” Reflecting on the regional nature of the state, the legislature states that “the domicile of the [museum’s] board shall be New Orleans.” (Louisiana Revised Statutes 342)

2.5.18 Maryland

Maryland has an interesting arrangement between the Historic St. Mary’s City Commission and the Board of Trustees of St. Mary’s College of Maryland wherein they “may contract or otherwise agree to work jointly to sponsor high quality education programs and activities for both the academic and general communities and for all age

groups, including elementary, secondary, college, and adult education programs as well as teacher training programs in curriculum areas of joint focus, such as archaeology, colonial American history, and Chesapeake culture and ecology.” (Maryland Code of Education 24-508)

2.5.19 Massachusetts

The Commonwealth of Massachusetts established a set of “statewide educational goals” and states that “[t]he standards shall provide for instruction in at least the major principles of the Declaration of Independence, the United States Constitution, and the Federalist Papers. They shall be designed to inculcate respect for the cultural, ethnic and racial diversity of the commonwealth and for the contributions made by diverse cultural, ethnic and racial groups to the life of the commonwealth. The standards may provide for instruction in the fundamentals of the history of the commonwealth as well as the history of working people and the labor movement in the United States.” (Massachusetts General Laws Chapter 69.1.D)

The Education Reform Act of 1993 expanded the existing requirement for US History into a curriculum for Social Studies and History which is currently under development. Former Assistant Commissioner of Education and current Education Board Member Sandra Stotsky (Personal Communication, 2005) added that “[s]ome of the items on the history test are on MA history...there are standards on MA history in our K-12 document.” Stotsky added that “[s]chools of education are supposed to make sure that their graduates have studied MA history.”

Another interesting aspect of Massachusetts was the influence of the 2006 gubernatorial election which marked the end of sixteen years of Republican governors

and the election of Deval Patrick, a Democrat whose campaign promises had included the elimination of the statewide assessment exams and who appointed Mitchell Chester as to oversee K-12 education in the commonwealth.

An employee of the commonwealth, who will be cited as “Jane Roe” so as to preserve the individual’s career, informed this researcher that the statewide assessment in history and social studies is fully ready to be administered without additional expense or effort, but is being withheld for political reasons and that the individual did not know if it will ever be administered (Roe, Personal Communication, April 2, 2010). The Board of Elementary and Secondary Education has twice voted to delay the implementation of this exam and this will be discussed *supra* in Chapter 5.

Also relevant of note here is the extent to which the controversial high stakes exam, known as the Massachusetts Comprehensive Assessment (MCAS), has been openly defied by local school districts during the past Republican administrations. The situation got to the extent to where Governor Romney had to show that he was willing to terminate local aid funds to the districts persisting in issuing diplomas to students who had not yet passed the MCAS (Elton, 2006).

There was no Massachusetts history requirement when this researcher attended high school nor was the (required) US History course particularly inclusive of Massachusetts history other than that of Revolutionary War-era incidents which occurred in the Boston area. Enrolled in the AP section of the course which had the most comprehensive curriculum, it is reasonable to assume that were any Commonwealth-specific history curriculum in place at that time, he would have most likely experienced it. It should also be noted that the Massachusetts Department of Education website itself

mentions that prior to educational reform the only requirements were for physical education and US History. (Massachusetts Department of Education, 2005)

2.5.20 New Hampshire

New Hampshire law states that “[t]he state board of education is hereby directed to distribute copies of the state constitution and election laws to all teachers of history and civics in the upper grades of elementary schools and to teachers of United States history in junior and senior high schools to be used by them in instructing their pupils relative to the laws governing election and voting.” (New Hampshire Revised Statutes 189:23) Hence there is a requirement that the New Hampshire Constitution and state election laws be taught, but no larger requirement of teaching New Hampshire history.

2.5.21 North Carolina

The North Carolina Department of Cultural Resources is required to “have materials on the history of North Carolina properly edited, published as other State printing, and distributed under the direction of the Department.” “With the cooperation of the State Board of Education and the Department of Public Instruction” they are instructed “to develop, conduct, and assist in the coordination of a program for the better and more adequate teaching of State and local history in the public schools and the institutions of the community college system of North Carolina, including, as appropriate, the preparation and publication of suitable histories of all counties and of other appropriate materials, the distribution of such materials to the public schools and community college system for a reasonable charge, and the coordination of this program throughout the State.” (North Carolina General Statutes 112-4-4) Additionally, they are instructed to “assist in the coordination of a program for the better and more adequate

teaching of State and local history in the public schools...” (North Carolina General Statutes 112-4-5)

Thus while lacking a clear distinction between K-12 and postsecondary education in as clear a language as one might like, “school” appears to be a reference to K-12 as distinguished from “college.” North Carolina is thus somewhat similar to Maine in that the state history is taught in K-12 but different in that it is also required to be taught in (at least) the community colleges. The latter is significant because community colleges are often a significant source of teachers and thus teaching the future teachers the state’s history is perhaps of greater influence than simply requiring that they teach something themselves which they may not even know. North Carolina has no specific requirement as to which grades the state’s history be taught nor does it explicitly state that the instruction be mandatory.

2.5.22 Rhode Island

Rhode Island law relating to the approval of private schools requires “that reading, writing, geography, arithmetic, the history of the United States, the history of Rhode Island, and the principles of American government shall be taught in the English language substantially to the same extent as these subjects are required to be taught in the public schools...” If the standard for approval of a “private school or at-home instruction” is that state history be taught “substantially to the same extent” as it is “required to be taught in the public schools” it would imply that they are required to be taught there. In other words that, at least in 1953, there was some standardized practice (possibly unwritten) of teaching Rhode Island history in the public schools of that state (General Laws Chapter 16-19)

2.5.23 Texas

Texas law states that “[e]ach school district that offers kindergarten through grade 12 shall offer, as a required curriculum social studies, consisting of Texas, United States, and world history, government, and geography....” The same statute continues by stating that “[t]he State Board of Education and each school district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter and in reading courses and in the adoption of textbooks. A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage” (Texas Education Code 28.002).

It is quite clear that Texas intends to not only teach the state’s history but to have the students develop an “appreciation” for certain “values.” The statute uses clear language to state this. Reference to a “free enterprise society” indicates an intent to teach from an inherently political perspective and this can be compared to the Louisiana women’s history requirement or the now-extant Maine temperance day requirement; in all cases the state is using the police power to ensure that preferred values be taught, even if “the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject” (Texas Education Code 28.002.1).

Texas, which also requires state approval of all textbooks used in the state, has perhaps the clearest example of a curriculum that might be challenged under the principles established by the US Supreme Court in the case of *West Virginia v. Barnett*,

that the government may not decree what is orthodox thought, nor require that citizens affirm the same. Were the Texas Communist party or any other group opposed to “free enterprise” (i.e. capitalism), they would be standing on fairly solid grounds demanding the right to be exempted from this education.

Texas also states that “...English shall be the language of instruction in public schools.” and that “[it is the policy of this state to ensure the mastery of English by all students” although the state does permit bilingual and immersion programs. It also has an interesting requirement that in cases where elementary school students are suspected of being dyslexic, a notice be sent to the parents “written in English and in the parent or guardian’s native language.”

2.5.24 Washington

The laws of the State of Washington require that “[t]here shall be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of higher education. No person shall be graduated from any of said schools without completing said course of study, unless otherwise determined by the state board of education. Any course in Washington state or Pacific Northwest history and government used to fulfill this requirement shall include information on the culture, history, and government of the American Indian peoples who were the first human inhabitants of the state and the region.”

The State of Washington thus seeks to facilitate the teaching of the state’s history through the education of future teachers, again an attempt similar to North Carolina’s although in this case there is no related requirement that the subject be taught in K-12.

Washington law also states that private donors shall be solicited to raise a cash award known as the “Governor’s award for excellence in teaching history” and that it was “created to annually recognize teachers and public and private nonprofit historical organizations that have organized, conducted, published, or offered on a consistently exemplary basis, outstanding activities that promote a better understanding and appreciation of the state's history” (Washington Revised Code 27.34.350). The publicity value of such an award and the related publicity in local media cannot be underestimated as an incentive (and thus almost a de facto requirement) to teach the history of Washington State.

2.5.25 Wisconsin

Wisconsin law states that “ the historical society, as part of its program as an educational institution, shall offer to the schools and teachers in this state....Materials as the society shall prepare or make available to facilitate instruction in the history and civil government of Wisconsin, including curricula, lesson plans, classroom projects, facsimiles of historical materials and other instructional materials for the teaching of state and local history, [and] [s]eminars for teachers, including continuing education programs, in-service training and programs at teacher conventions” (Wisconsin Statutes Annotated 44-04-1).

“To accomplish” this, the historical society is instructed to [p]repare, publish, issue, loan or circulate such magazines, books, aids, guides and other publications, such visual aids, special exhibits, and other teaching materials and aids as it, in consultation with the department of public instruction, deems advisable. Provide information to schools and teachers regarding the materials and services available from the historical

society to assist in the teaching of history. Promote cooperation between schools and historical organizations” (Wisconsin Statutes Annotated 44-04-2)

2.6 Summary of approaches found

Three basic approaches were found in the above review. In some cases there is a specific K-12 curricular requirement. In other cases, the teaching of state history is addressed by addressing the educational curriculum of future (and sometimes current) teachers, over time creating a cadre of teachers with a background in the field. A third approach has been to direct other resources (most often state historians or museums) toward assisting in developing state historical curriculum or in assisting in the teaching of this subject.

2.6.1 The indirect provision of resources approach

Examples of the indirect approach ranges from Iowa’s creating a revenue stream directed toward this purpose to Louisiana’s designation of specific regional historical museums having responsibilities for assisting with those school districts located in a specific regional areas of the state. In these cases there usually is no explicit requirement that teachers include state history in their teaching or even that the teachers themselves learn the subject, an assumption appears to have been made that if teachers are given access to resources, classroom instruction will inevitably follow.

2.6.2 Mandate to teach history of population subsets

Excepting Illinois which clearly attempts to identify absolutely every racial group in the state, most states only identify just those racial or ethnic groups which historically have been marginalized and whose history thus may not have been included in the

traditional curriculum. African American history is a common example although there are also examples of both Hispanic history and Native American history being required. One must also inquire about the non-Puerto Rican Hispanic attending school in Connecticut, such a pupil could arguably be excluded from both the traditional curriculum and the attempts to make it inclusive.

2.6.3 Mandate to teach history of the state

It should also be noted that Maine was not the only state found to require that its schools teach the history of the state. However, as the initial research was into that topic, it is covered on its own in the next section.

2.7 Study of the Maine requirements

Having evaluated the approach of other states toward the teaching of the particular state's history, it is now time to turn to those specifically of the State of Maine.

2.7.1 Searching for a law that did not exist

One of the most difficult aspects of this research was in finding the actual roots of the requirement that three generations of adults had been told was the law. Using research methods subsequently adopted for this dissertation, that of taking physical statute books and carefully reading them in their entirety, it was determined that there simply had not been a law (prior to 1988) mandating the teaching of Maine history, notwithstanding everyone believing that there had been one.

2.7.2 Popular perception that such a law existed

The first indication that a law exists is the public's belief that it does. For example, all Massachusetts motorists know that police cars in Massachusetts have blue

emergency lights but few have ever read Chapter 90, Section 7-E of the Commonwealth's General Laws which authorize such lights. If all the stakeholders accept the legitimacy of a legal mandate and comply with it, if no one challenges the legitimacy of the mandate, then the fact that the statute does not exist may well be a distinction without a difference. The question thus first became one of if the people of Maine believed that there was a law mandating the teaching of Maine history.

2.7.2.1 What children were told in the 1930's & 1940's

The first indication that such a law might exist consists of members of older generations reporting that they had both received this instruction and been told of the legal mandate behind it. That when they were children, the authorities of that day believed the law to be in effect and acted under the presumption that it was.. Elizabeth (Hupper) Ames, born in 1924 and beginning her education in 1930 in the one-room schoolhouse on Crehaven Island, remembers that "the law said that they had to teach Maine history." (personal communication, 2004). Notwithstanding her age, the decision was made to consider her a credible source because she is currently engaged in presenting historical lectures about Crehaven Island to church and social groups throughout Maine's Knox County. This accuracy of this information was confirmed in a brief conversation at a funeral (personal communication, 2011).

Eileen (Ames) Cutting, who attended the one-room schoolhouse on adjacent Matinicus Island, reported having had this instruction in 1945; adding that her mother, Hilda (Wentworth) Ames, who had come to the island as its teacher in 1912, told her that Maine law mandated such instruction.

The evidence from two credible sources thus indicates that the belief in this statutory requirement existed dates back to the 1930s, possibly earlier because if Hilda Ames did not learn of this requirement in her capacity of Plantation Assessor (the equivalent of a Town Selectman), which she well might have, she would have then had to learn of it earlier either in her schoolteacher training or as an aspect of her teaching career (personal communication, 2004, 2012).

2.7.2.2 The experience of a Maine teacher

Jeffery Libby, who attended MSAD #48 in the 1970's, mentioned such a requirement when I met him at UMaine in the 1980s (personal communication, 1982). Both of his parents were then employed as MSAD #48 faculty.

His father, F. Wayne Libby, who started teaching in 1959, stated that the state department of education used to publish "curriculum guides" which teachers used because it "made sense" to do so. He added that no one ever considered not using the guides (let alone questioning the requirement that the curriculum be taught) because it simply "made sense" to use them.

He added that in the era of the small town and neighborhood based schools, geographically dispersed so that children could walk to them (Libby initially taught in a one-room schoolhouse), teachers were very happy to have the state help them with curriculum. When the schools were consolidated into multi-town districts, some of the districts started to abandon the state-authored curriculum for that of their own. Libby stated that SAD #11 and SAD #47 were two of the first to author their own curriculum and that the trend in the 1970s was "for everyone to design their own curriculum."

The state was undergoing dramatic changes at the time in part caused by large numbers of what he described as “back to the earth” people moving in from the urban centers of Massachusetts and New York. He also stated that there was “a national trend toward combining the traditional subjects” of history, geography, civics and government into the new field of “social studies” which he reported as having often been taught without a textbook in the “anything goes” 1970's (personal communication, 2004).

2.7.2.3 The experience of another Maine teacher

Helene Libby reported that there was a book that she had used when she had taught the subject in the 1980s, there hadn't been curriculum guides from Augusta, but was able to find a copy of the textbook which she had used, *Maine History* (Downeast Publisher, 1981). Like many teachers of the era, she had initially been certified after completion of a two year program (subsequently going on to earn a four-year baccalaureate degree). Thus not only were teachers often alone in one-room schoolhouses but they were teaching with only two years of collegiate education. In that very different environment, one can understand how there would have been not only a greater tolerance of but an expectation of a more centralized state curriculum.

As the one-room schoolhouses became “consolidated” and the four-year baccalaureate became the minimum requirement for certification (this researcher earned his certificate via a one-year postgraduate program), as the teachers no longer were as isolated and had the benefit of more education themselves, there no longer was the need for the state to be sending these curriculum guides out to what were no longer isolated outposts in the hinterlands.

2.7.2.4 Examination of archival learning materials

This corresponds to what I was able to learn upon further investigation of the Learning Materials Resource Collection located within the University of Maine's Fogler Library. Textbooks were found for teaching Maine history but they seem to end in the early '70's with filmstrips being made as late as 1976. This corresponds to what Wayne Libby statements about a shift in the 1970s from a state curriculum to a district-developed curriculum.

As the districts went away from using textbooks, at some point the market ceased to be profitable enough for any commercial publisher to produce one, and of too little interest for the state itself to do so. As the University of Maine was and is the premier player in K-12 education in Maine, a state which still largely maintains the undergraduate certification model of teacher training, the collection of its library is felt to be an accurate historical record of resources available to teachers.

2.7.2.5 Experiences of other former Maine pupils

Clarissa (Graham) Trasko, who attended the Bangor public schools and graduated from Bangor High in 1979, recalled some requirement and after asking the three co-workers present in the Eastern Maine Regional Office of the Department of Environmental Protection at the time stated that "the consensus is that [Maine history] was required in the 8th grade." (Trasko, Personal Communication, 2004) "Everyone" knew that this was a requirement of law - including the unidentified woman answering my initial telephone inquiry to the Maine State Department of Education although even though she was equally able to say exactly which law let alone provide a citation to the statute.

2.7.2.6 Opinion of the former editor of the state's largest newspaper

Kent Ward (personal communication, 2004), a former editor of the Bangor Daily News (the state's largest newspaper), attended Limestone Junior High School between 1942-1945. He remembers a thin book with a green cover that was used for a text, one with a pine tree on the cover. He added that "[w]hat I remember most about the subject was that we learned that we have 16 counties in a little ditty, which roughly followed the tune Yankee Doodle Dandy." Memorization also included the recitation of the state's then 21 cities in alphabetical order. In addition to facts about the State Legislature as well as about the state motto, flag, and bird, they "learned the official State of Maine song, and sang it often at school assemblies and civic gatherings."

Some sixty years later, Ward stated that what he remembered most, "being a true son of Aroostook [County], we learned about the Bloodless Aroostook War and the Webster-Ashburton Treaty" and that the "only man who died, Pvt. Hiram Smith, a soldier who was working in the old military road through the woods from Macwahoc to Houlton – today's Route 1A – is buried alongside the road up beyond Haynesville, his gravesite still decorated annually by patriots." He added that another thing that he remembered "from that course was learning about Benedict Arnold's march to Quebec" and that he remembered "learning more about it in the Maine history course than [he] would have from a straight American history course."

2.7.2.7 Maine state historian unable to locate statute

An inquiry to the Maine state historian lead to a vaguely worded answer that the requirement dates back to 1921 but no authority for it could be found. The state historian, an employee of the state secretary of state, was considered to be a credible

source. The 1921 origin of the requirement was consistent with other research results and thus was considered to be valid, although there was still the problem of finding the actual statute itself.

2.7.3 Research by exclusion

One possibility considered was that the statute had either been passed in 1921 or was in effect at that time and had inadvertently been omitted through clerical error as such things have been known to happen, although they are almost immediately caught and corrected. The decision was thus made to conduct research by exclusion, to find the statute amongst the laws which were in effect in 1920 and to trace it forward through the various superseded volumes of statutes to the point where it was no longer found, thus indicating when the clerical error of omission had been made.

While only dating to the 1970s itself, University of Maine School of Law's Garbrecht Law Library possesses both the library collection of an older (long defunct) public law school that had been located in Bangor and the personal law libraries of several deceased judges. Access was obtained to this library and to the superseded statute books.

2.7.4 American history requirement found

The only relevant statute found was one enacted in 1919 to require that English be the language of instruction and amended in 1921 to include an American history requirement. The amended statute reads as follows (emphasis in original):

American history and civil government to be taught in all common schools, both public and private, of elementary and high school grades; American history and civil government required for graduation from all grammar schools, private and public. To prescribe the studies to be taught in the public schools and in private schools approved for attendance and tuition purposes, reserving to superintending school

committees, trustees or other officers in charge of such public or private schools the right to prescribe additional studies, and the course of study prescribed by the state superintendent of public schools shall be followed in all public schools and in all private schools approved by the state superintendent for attendance or tuition purposes; provided, however, that upon the approval by the state superintendent of any course arranged by the superintending school committee of any town, or by the trustees or other officers of any private school said course shall be the authorized course for said town or private school; provided, further, that the basic language of instruction in the common school branches in all schools, public and private, shall be the English language; and provided, further, that American history and civil government shall be taught in all common schools of elementary and high school grades, both public and private, and that American history and civil government shall be required for graduation from all grammar schools, both public and private. Nothing in this section shall be construed to prohibit the teaching in elementary schools of any language as such.

2.7.4.1 “For tuition purposes”

The unique historical nature of Maine requires identification of a few specifics in the aforementioned statute prior to discussion. First, the concept of “tuition purposes” references the practice of public revenues being used to pay the tuition of students attending private high schools. While similar to the current proposal of “school vouchers”, the practice dealt with small towns that were able to support the one-room schoolhouse but had to contract out the education of those children who wished to pursue their educations beyond the eighth grade.

The practice, which continues to this day, usually consisted of either a contract to send all of the town’s children to a specific private academy or to give parents a set sum of money toward the child’s education. In a town with significant numbers of high school students, particularly those in close proximity to a respected private academy, the town contracted with the academy to educate its students as so-called “day students.” In remote locations, including the offshore islands where a daily commute was logistically impossible and boarding school the only feasible option, the municipality provided a set

amount of money to which the family could apply toward tuition at the school of the parent's choice.

Hence, there were quite a few private academies at the time (and a significant number today) that serve in the capacity of a public high school. What this statute did was to require the teaching of this curricula not only at the few municipally-run high schools but also at those which were receiving public funds. Not mentioned were those schools where attendance would serve as a defense against truancy but which were financed entirely by the parents (or the Catholic Church.)

2.7.4.2 English language issue in historical context

It is in this context that the reference to "English only" becomes particularly relevant. While a lot more multi-racial than is commonly known, Maine was a land clearly divided between two cultures, that of the Yankee Protestant seacoast and the French-Canadian Catholic milltowns. While in a time when the other language was French rather than Spanish, "English only" then had a political context similar to that of today. The conversational French of the Saint John Valley and the urban mill towns of Lewiston and Biddeford would not be taught in the public schools, although the Catholic minority would be free to teach whatever it wanted in the schools it supported without public assistance.

This was, of course, at the height of the "Know Nothing" movement, a time when anti-Catholic sentiments ran high throughout all of New England.

2.7.5 Concluding thoughts on initial research

In our Twenty-First Century perspective of the world as a 'global village', "American" history is not the same thing as "Maine" history. A requirement to teach

“American history and civil government” would be construed to teach a curricula involving the Federal government, American foreign policy and a generalized collective view of American domestic government largely within the context of our largest population centers. But in reviewing archival statutory law, one must reflect upon it in the context of its time and the language used by the legislators of that era.

Three generations of Mainers thought that the law required that state history be taught, long after the actual wording of the statute had long become overlooked, it was still believed to mean something that one can clearly see that it does not. More than two decades after this apparent error was rectified, this historical law was thought to mean what it did not – and it took not only a detailed reading of the old statute books but the assistance of the state archivist to determine that there had never been such a law.

As will be explained in the next chapter, this dissertation largely builds on this finding – that there had never been a law mandating something that everyone had always thought to be required.

CHAPTER 3

RESEARCH METHODS

3.1 Reflections on the initial research effort

The initial research effort (described in Section 2.3, et seq.) evolved out of a “due diligence” effort to confirm that Maine was unique in requiring its history to be taught in its K-12 schools. The research model was simply one of discovery, and it consisted of a survey being mailed to state commissioners of education and a survey of state laws with the expectation being that nothing would be found.

Instead, the unanticipated occurred – the null hypothesis was twice proven to be valid in that not only did the historical Maine law not exist, but a mosaic of similar laws were found across the land. This research was valid and verifiable for the purpose which it was intended in that the findings could be duplicated by merely finding any of the laws in any of the states, neither the initial research nor duplication thereof would require finding all of them to be valid in that the initial hypothesis was that none existed.

3.2 Initial research found three types of laws

The initial research found laws to consist of essentially three approaches, the first being what had believed to have existed in Maine, a law requiring that the subject be taught in the state’s schools. The second approach found was that of requiring that the teachers themselves learn state history, and this ranged from the most basic of requiring the curriculum in the state’s colleges (where it would be taken by future teachers) to incorporating it into the requirements for certification. Many of the requirements that the state’s history be taught in the state colleges and universities were found in those states

that largely lack private institutions of higher learning, if the prospective teachers were to gain their credentials within the state, they would be attending an institution where the state history curriculum was a mandated subject and thus learn it.

The third approach, completely unexpected, was that of providing resources to facilitate the teaching of the curriculum. State historians were mandated to assist, state libraries and museums were likewise so mandated, and one state went so far as to create a special series of vehicle license plates that contained a surcharge which went to fund the teaching of state history in the state's schools. In sum, a variety of creative ways of providing curriculum for the teachers to teach was found.

3.3 Need for a comprehensive national summary

These findings, while unanticipated, led to a very different research question, that of what was out across the land as a whole. Due to the scope of this question, and the nature of the initial question, a decision was made to designate the second and third approaches, that of requirements for teacher education and the provision of resources, to future research and to concentrate only on the initial question of laws actually mandating the instruction of state history curriculum.

This created the need for a research model that would be both valid and verifiable, to research the question in a manner which could be duplicated by other researchers who would get similar results should they do similar research using the same definitional criteria – regardless of their methods, presuming their research methods were also valid. In sum, a comprehensive list is a comprehensive list, the purpose of the research was to compile such a comprehensive list subject to the criteria of the research and the research model.

3.4 Operational definition of “state history”

One of the first aspects of the research model, and perhaps its most important, is what would be considered to constitute “state history”. The operational definition was determined to be the following:

Operational Definition of State History:

- State history consists of the peoples, places, things, values and principles of a state (or commonwealth).
- State history includes not only the histories of the people who currently inhabit the state, but also both the histories of groups that once inhabited the state as well as history external to the state but directly relevant to groups currently inhabiting the state.
- State history explicitly includes “civics” as it relates to the particular state, as well as the study of the state’s founding and governing documents (e.g. state constitution). It includes the study of the particular state’s government as a unique entity, but excludes any study of state governance in general.

3.4.1 History of the state

Any law that required the teaching of the history of the state was considered to be relevant to this research.

3.4.2 State Constitution and/or founding documents

Any law that required the teaching of the state’s constitution, any portion of the state’s constitution (e.g. its “bill of rights”), or any other founding document of the state was considered to be relevant to this research. The rationale for this was that founding documents are historical in nature and thus constitute history.

3.4.3 State flag

Any law relating to the state's flag was considered to be relevant to this research. This included laws requiring students to learn and/or recite a salute to the state flag, laws requiring them to learn the history and/or meaning of it, and laws requiring it to be displayed were considered to be an aspect of state history.

3.4.4 State geography and economy

Any law requiring the teaching of the state's geography and/or its economy was considered to be relevant to this research. The rationale for this is that both have a direct impact on history and to some extent are indistinguishable from it, particularly when viewed in the short historical perspective of a child. One needs to remember that the students graduating from high school in 2012 were in first grade on September 11, 2001 – to those in the younger grades, it is a historical date conceptually similar to December 7, 1941.

Thus while a state's geography and economy would generally not be considered to be historical in nature, when viewed in the short life experience of a child, they both have historic components and tend to explain history – history itself often being an explanation of how things came to exist as they are and why they are the way they are.

3.4.5 State Government

Any law that mandated instruction about the state's government was included for the same reasons. From a perspective of a child, the persons currently holding public office have always held it. What an adult may view as a dynamic process and will compare the current incumbents to those whom have held the offices in the past, the child merely sees them as being there and having always been there. Hence even without the

historical nature of government, an institution where past practices influence current ones, from a child's perspective government is historic in nature.

3.4.6 County, municipal and other subdivisions of the state

For similar reasons, any law mandating the study of the subdivisions of the state was also considered to constitute state history. Further, particularly in the case of local government, the leaders are often people who have lived in the community for a long time and routinely discuss things in a historical context.

3.4.7 History of the state's peoples

The history of the state's people's was considered to constitute state history.

3.4.7.1 Women's history

The decision was made that any requirement to teach the history of women, anywhere on the planet, would be considered to constitute the teaching of women's history and thus be included.

3.4.7.2 Histories of racial groups

Likewise, it was decided that any requirement to teach the history of any ethnic or racial group would be considered to constitute the teaching of state history and be included.

3.4.7.3 History of the Holocaust

While the Holocaust occurred in Europe, people who survived it settled in the states that mandate teaching about it. As state history is considered, for the purpose of this dissertation, to include the histories of the people who inhabit the state, the Holocaust was considered to constitute an aspect of state history.

3.4.7.4 History of the disabled

In those cases where the statute clearly indicated that it was the history of disability or the history of the disabled that was required to be taught, such instruction was considered to constitute state history.

3.4.8 Other items of an explicit historical nature

In any other case where the legislation clearly stated the historical nature of the mandated instruction and/or that it related to an aspect of the state's history, this too was considered to constitute state history instruction and was included. In one case, this led to the inclusion of hunter safety training because the statute included explicit language indicating a legislative intent to include this instruction due to the historic nature of hunting and gun usage in the state. Similar laws in other states were excluded because of the lack of language indicating historical aspect of the instruction.

3.4.9 Operational definition defined research model

With this operational definition it was then possible to define the research goal as to simply being the review of each state's statutes for laws which meet any of the aforementioned criteria.

3.5 Desire to take a linear approach to research

While the earlier research efforts had been conducted with the use of an electronic legal database, concerns were raised about the accuracy and reliability of using such for this effort. First, many of the statutory requirements were dependent clauses appended to other (and often unrelated) requirements and without prior knowledge of the primary mandates to which the relevant mandates were appended to, it would not be possible to

know that all of them had been found. Second, it was already known that some states had multiple and often redundant state history requirements and concerns existed about how the databases and search engines would deal with multiple redundant laws. Third, the electronic databases are set up to find specific provisions of specific statutes, not to present an entire chapter as a distinct entity and they lack the detailed indexing found in the paper statute books.

3.6 Decision to use paper statutes

A decision was made to conduct this legal research the “old-fashioned” way, by reading the paper statute books. This was considered to be more reliable and verifiable because it was a linear approach where the entire education code of each state would be read in its entirety and then the relevant portions effectively read twice more to ensure accuracy. The research model thus consisted of obtaining access to a law library, reviewing the books which would be updated and hence accurate of a certain date, and then compiling the findings of this legal research.

3.6.1 Access to law library obtained

The researcher, under the auspices of his status as a University of Massachusetts student, gained access to the Blake Law Center at Western New England University’s School of Law, a relatively small law school located in Springfield, Massachusetts. The statute books were updated through December, 2011 and the research model explicitly included a decision, made in concurrence with the committee, that the research would be limited to the law as it existed as of this date.

3.6.2 Division of the country into regions

The initial research effort involved an attempt to summarize the laws of the country as a whole, and to research the states in alphabetical order. This was found to be problematic for a variety of reasons and upon consultation with the committee, it was decided that a regional approach would be more effective. Accordingly, the research model was redefined to consist of researching on a regional basis, and then summarizing the regions into national findings. The research was then reinitiated along these lines.

3.6.2.1 Use of Federal Circuits to divide country into regions

It was decided to use the Federal Circuits as the initial basis of dividing the country into regions. This was done for three reasons, first the circuit courts tend to be the courts which set the significant precedents unless and until the US Supreme Court rules on a matter – so-called “diversity amongst the circuits” or different circuit courts having ruled in differing ways on the same issue, is one of the reasons for the US Supreme Court to decide to hear a case. Hence it is not uncommon for the legal landscape to differ from circuit to circuit until there is a final high court ruling on a matter.

Because of this, federal administrative agencies, such as the US Department of Education (ED) and its Office of Civil Rights (OCR) are organized into regions which largely mirror these federal circuits as both ED and OCR (and other federal agencies) have to observe the manner in which courts have interpreted the laws which they administer and/or enforce. There is also a very practical matter to all of this, the circuits are geographically and regionally based. The research model thus first started with the twelve regional circuits.

3.6.2.2 Desire for fewer regions

It was then felt that a dozen different groups were too many and several were combined until there were eight different groups, each with a rational basis for existence and with states that shared something of a similarity being grouped together.

When the volume and complexity of the California education code became apparent, the decision was made to segregate California into its own region in order to facilitate an orderly review of the various states.

3.6.3 Levels of instruction

The research model also included documentation of the grade level or levels at which the required instruction was to be given at. It was first decided that the grade levels would be defined as follows: K-5 would be considered to be the elementary grades, 6-8 would be considered to be the middle school grades, and 9-12 would be considered to be the high school grades.

3.6.3.1 Coding letters

It was determined that the following letters would be used to code the level(s) at which the state history requirement(s) was or were required to be taught: "E" would indicate the elementary level only, "M" would indicate the middle school level only, "H" would indicate the high school level only, "X" would indicate a combination of two but not three of the aforementioned levels, "I" would indicate where it was integrated throughout and taught at all three levels, and "D" where it was left to the discretion of educational authorities to select the level(s) they wished to teach the mandated curriculum at.

3.6.3.2 Coding of state

The research model stipulated that in the case where a state had more than one mandate, the mandates would be evaluated together so as to determine what level or levels that the statutes mandated the curriculum, as a whole, be taught at.

3.6.4 Research method

The method employed was straightforward. The educational code of each state was read, from start to finish. So-called “pocket packs” and other supplemental revisions were read as well. Any statute that was considered to be possibly relevant was identified with a sticky note and all of the pages so identified, along with at least two pages either side of an identified page (or an entire chapter when there were multiple flagged pages) were scanned on-scene using a computer technology that created a digital photocopy of the page (.pdf file) which was then placed onto a flash drive and brought back to campus.

These pages were then printed out and read a second time with every possibly relevant statute highlighted with a marker. For purposes of accuracy and research integrity, the digital photocopy of specific statutes which the researcher had questions about were emailed to the committee for consultation, advice and guidance.

A separate file folder was created for each state and the printed-out statutes were bound into these file folders in the manner common to legal offices with the metal tabs commonly used for such purposes. (A member of the committee, a former practicing lawyer, suggested this method of filing.) This approach allowed the researcher to compare one state’s statutes to another as well as to view and consider each state independently of the rest. In cases where the guidance of the committee had been

requested, as the responses were via email, the relevant portions thereof were printed out and included in the file folder as well.

Upon compiling a region, the folders of the region were again reviewed with the intent of winnowing down the cited statutes from all the ones possibly relevant to only those which met the operational definition of the research model. In order to ensure reliability and accuracy, every possibly relevant statute had been identified prior to this point and this winnowing was necessary in order to restrict the research only to the research model and not have it be a conglomeration of everything of interest to the researcher.

The practice of a third reading had another purpose – of ensuring that no statute had been missed the first two times and the fact that none had been found to have been missed served to demonstrate the existence of accuracy and reliability in the model employed with the primary and secondary readings – in different venues with different media – and that this was serving to find all the relevant statutes.

The statutes were then read a fourth time as they were being summarized and quoted into the text of the research document and this redundancy, while time consuming and involving multiple inefficient steps, was employed to ensure accuracy and reliability to the greatest extent possible.

3.6.5 Integrity of the research model

The integrity of the research model, that of using the specific books of a specific library, was observed even when unforeseen circumstances served to restrict the researcher's access to this library and it would have been easier to finish the research at a different library. It was felt that the integrity of the research model had to be preserved

and thus adjustments were made to enable the completion of the research in the library where it had originated.

CHAPTER 4

SUMMARY OF RESEARCH FINDINGS

4.1 The New England states

The New England States consist both of the five states that are generally considered to compose the New England region (Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island) but also the states of New York and New Jersey. (Ironically, the latter two are technically “New England” named states, as are the Canadian provinces of New Brunswick and Nova Scotia (New Scotland), while the only actual “New England” state with an old-world namesake is “New Hampshire.”)

This region has historically orbited around the competing hubs of Boston and New York City, with New York City growing faster than Boston during the 19th Century and thus taking from Boston the role of our nation’s largest (and arguably most important) non-capitol city. Northern New Jersey is largely a suburb of New York City and Southern New Hampshire largely a suburb of Boston with areas of all the states in the region being exclusive outer suburbs of these two cities.

It is also important to note that Massachusetts is one of the four states which technically are not states but instead “commonwealths.” There are distinctions, most historical, and none considered worthy of note relative to the purposes of this research. In practice, the term “state” is routinely used in reference to Massachusetts, there are the “state” police, the capitol is known as the “state” house, and official Massachusetts license plates bear the word “STATE” across the side. Accordingly, with it being duly noted for purposes of accuracy that it officially is the “*Commonwealth of*

Massachusetts"; for the purposes of this research, Massachusetts will be considered to be a state.

4.1.1 Connecticut

- State and local government required to be taught at all levels, graduation requirement
- Elementary or middle school requirement of "participatory learning" about government
- Homeschooled children must study "town and state" governments
- Homeschooled children need not accept SPED assistance if meeting curriculum
- African American, Puerto Rican and Native American history may be taught
- Instruction about the Holocaust may be provided
- Instruction about the "Great Famine in Ireland" may be provided
- Governor proclaims 61 different days, weeks or months of commemoration

4.1.1.1 State and local government required to be taught

Connecticut General Statutes Revised 164 § 10-18 (a) (1) requires all schools at all levels "public or private, whose property is exempt from taxation" to provide "instruction in United States government at the local, state and national levels." The statute further stipulates that "[n]o student shall be graduated from any such school who has not been found to be familiar with said subjects."

Connecticut General Statutes Revised 164 § 10-18 (a) (2) states that "[f]or the purposes of subsection (1) of this subsection, elementary schools shall include in their third, fourth or fifth grade curriculum a program on democracy in which students engage in a participatory manner in learning about all branches of government."

It is not clear if this subsection refers to the students learning about the three branches of the US government, the three branches of the Connecticut government under the auspices of the word "state" in the aforementioned subsection (1), or if it is a reference to both governments and somehow an implied reference to local municipal

governance as well. There is also an absence of annotation to provide guidance in this matter.

Likewise not providing guidance is Connecticut General Statutes Revised 164 § 10-16b (a) which identifies the proscribed courses of study as including "...social studies, including, but not limited to, citizenship, economics, geography, government and history..."

4.1.1.2 Home schooled children must also be taught about state and local government

Connecticut General Statutes Revised 168 § 10-184 requires that parents or those otherwise having custody of children "shall instruct them, or cause them to be instructed in" a variety of basic subjects including "citizenship, including a study of the town, state and federal governments." The statute goes on to say that if it can be shown "that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools", the child is not required to attend the public schools. Connecticut General Statutes Revised 168 § 10-184a further stipulates that the district is not required to provide any "special education programs or services for any child whose parent or guardian has chosen to educate such child in a home or private school ... and who refuses to consent to such programs or services.

Connecticut General Statutes Revised 168 § 10-184b further stipulates that notwithstanding any provision of any law, "the Commissioner of Education shall not limit the authority of parents or guardians to provide for equivalent instruction pursuant to section 10-184." Thus if a child is being educated in the required subjects, which

include instruction about state and local government, the child is exempted outright from the mandate to attend school.

4.1.1.3 Special subject curriculums encouraged but not required

Connecticut General Statutes Revised 164 § 10-16b (d) (1) encourages but does not require instruction about the Holocaust.

Connecticut General Statutes Revised 164 § 10-16b (d) (2) encourages but does not require instruction “surrounding the Great Famine in Ireland.”

Connecticut General Statutes Revised 164 § 10-16b (d) (3) encourages but does not require the teaching of African American history.

Connecticut General Statutes Revised 164 § 10-16b (d) (4) encourages but does not require the teaching of Puerto Rican history.

Connecticut General Statutes Revised 164 § 10-16b (d) (5) encourages but does not require the teaching of Native American history.

4.1.1.4 Special Commemorative events

The state recognizes at least 61 different days, weeks or months which are proclaimed by the governor in observance of specific things or persons, with Connecticut General Statutes Revised 164 § 10-29 (b) (1) (B) stating that a copy of each proclamation be given “to each school in each municipality.” In most cases, the statute itself also requires that the schools observe the date with appropriate activities, although this is not true of all.

Connecticut General Statutes Revised 164 § 10-29a (a) (1) states that the first Monday on or after January 15th each year shall be Martin Luther King Day.

Connecticut General Statutes Revised 164 § 10-29a (a)(2) states that April 14th shall be Pan American day, which “shall be suitably observed in the public schools as a day honoring the Latin American republics.”

Connecticut General Statutes Revised 164 § 10-29a (a)(4) designates May 1st as Loyalty Day with a requirement that it be observed in the schools.

Connecticut General Statutes Revised 164 § 10-29a (a)(9) designates the last Friday in September as Indian day and requires the schools to suitably observe this as a day “of commemoration of American Indians and their contribution to American life and civilization.”

Connecticut General Statutes Revised 164 § 10-29a (a)(10) designates the fourth Sunday in September as Puerto Rican Day, this day is required to be observed in the public schools the next school day or on another designated day.

Connecticut General Statutes Revised 164 § 10-29a (a) (11) states that Leif Ericson Day is required to be proclaimed within the first nine days of October and to be observed in the public schools.

Connecticut General Statutes Revised 164 § 10-29a (a)(13) designates the second Monday in October to be Columbus Day and further requires the public schools to designate a day “in commemoration of the Italian people.”

Connecticut General Statutes Revised 164 § 10-29a (a) (15) designates St. Patrick’s Day “to honor the Irish people” but does not require it to be observed in the schools.

Connecticut General Statutes Revised 164 § 10-29a (a) (16) designates October 6th to be German American Day “to honor the Americans of German ancestry” but does not require it to be observed in the schools.

Connecticut General Statutes Revised 164 § 10-29a (a) (18) requires the governor to designate “a date certain” to “commemorate the culture of the Lithuanian people.

Connecticut General Statutes Revised 164 § 10-29a (a) (20) requires that August 24th be designated as Ukrainian-American day to honor Americans of Ukrainian ancestry.

Neither date is required to be observed in the public schools.

Connecticut General Statutes Revised 164 § 10-29a (a) (25) requires that June 26th be designated Disability Awareness Day but there is no requirement for any observance in the schools.

Connecticut General Statutes Revised 164 § 10-29a (a)(27) designates August 26th as Women’s Independence Day in recognition of the ratification of the 19th Amendment to the US Constitution.

Connecticut General Statutes Revised 164 § 10-29a (a) (31) designates September 3rd as Prudence Crandall Day.

Connecticut General Statutes Revised 164 § 10-29a (a) (32) designates May 3rd as Polish-American day to honor Americans of Polish ancestry.

Connecticut General Statutes Revised 164 § 10-29a (a) (34) designates December 1st as Romanian-American Day to honor Americans of Romanian ancestry.

Connecticut General Statutes Revised 164 § 10-29a (a) (35) designates October 10th as “Republic of China on Taiwan-American Day to honor Americans of Chinese-Taiwanese ancestry.

Connecticut General Statutes Revised 164 § 10-29a (a) (36) designates March 25th as Greek-American day to honor Americans of Greek ancestry. Connecticut General Statutes Revised 164 § 10-29a (a)(38) designates October 23rd to honor the Hungarian Freedom Fighters who died during the Hungarian Revolution of 1956. The Saturday that is closest to June 19th is designated by Connecticut General Statutes Revised 164 § 10-29a (a) (48) to be “Juneteenth Independence Day” to recognize the formal end of slavery in America.

Connecticut General Statutes Revised 164 § 10-29a (a) (49) designates May 29th as Corsair Day in honor of the F4U Corsair, the only major WW-II combat aircraft to be the product of just one state.

Connecticut General Statutes Revised 164 § 10-29a (a) (50) designates April 26th in honor of Fredrick Law Olmstead.

Connecticut General Statutes Revised 164 § 10-29a (a) (52) designates the month of May to be Women-Owned Business Month to honor the contributions of women-owned businesses.

Connecticut General Statutes Revised 164 § 10-29a (a) (59) designates January 29th as Thomas Paine Day to honor this “author and theorist.” Connecticut General Statutes Revised 164 § 10-29a (a)(8) designates September 22nd as Nathan Hale day and requires that it be observed in the public schools as a day “honoring Nathan Hale for his selfless patriotism.”

Connecticut General Statutes Revised 164 § 10-29a (a) (60) designates July 1st to be Canadian Appreciation Day to honor the relationship between the US and Canada

4.1.1.5 Summary of Connecticut findings

Connecticut requires state and local government to be taught at all levels and has it as a graduation requirement. Homeschooled and privately schooled students are also subject to this requirement. The state permits the teaching of population subset histories but does not require it, the state permits but does not require the teaching of the Holocaust, and Connecticut has a great array of holidays proclaimed annually by the governor, quite a few of which are relative to the schools.

Connecticut thus has a state government requirement which is integrated throughout and a patchwork approach to other aspects of state and local history, primarily through cultural days of commemoration. The state is thus scored "I" for statistical purposes.

4.1.2 Maine

- State history is required to be taught
- State constitution is required to be taught
- State geography is required to be taught
- Maine Native American history is required to be taught
- "Statehood Day" is commemorative day

4.1.2.1 "Maine Studies" required for graduation

Maine Revised Statutes Annotated 20-A § 4706 requires that "[i]nstruction" in "Maine Studies" "be aligned with the parameters for essential instruction and graduation requirements" established under the auspices of the state's education reform law.

4.1.2.2 "Maine Studies" defined

Maine Revised Statutes Annotated 20-A § 4706.2 reads as follows:

“Maine history, including the Constitution of Maine, Maine geography and environment and the natural, industrial and economic resources of Maine and Maine’s cultural and ethnic heritage, must be taught. A required component of Maine studies is Maine Native American studies, which must be included in the review of content standards and performance indicators of the learning results.... The Maine Native American studies must address the following topics:

- A. Maine tribal governments and political systems and their relationship with local, state, national and international governments.
- B. Maine Native American cultural systems and the experience of Maine tribal people throughout history.
- C. Maine Native American territories; and
- D. Maine Native American economic systems.”

4.1.2.3 Statehood day only relevant commemorative day

Maine Revised Statutes Annotated 20A 4803.8 designates March 15th as

“Statehood Day” with the stipulation that it should be “marked by special observance.”

4.1.2.4 Summary of Maine Findings

While, as stated in Chapter 2 above, it was long believed there to be a law mandating the study of Maine history, no such law actually existed prior to 1983. In 2001 the nondescript requirement that Maine history be taught was amended with an extensive mandate to teach “Indian history” which was defined as being that of the Penobscot and Passamaquoddy tribes, both native to the state. The statute was universally applauded and passed without consideration as to how it would be implemented.

Over the decade since, every seating of the biannual legislature has essentially rewritten the statute as an equilibrium is sought between the political power of the Native American tribal governments (each with their own designated members of the legislature) and other constituencies within the state. A recently added phrase mandating the teaching of “Maine’s cultural and ethnic heritage” appears to be a reference to other

population subsets seeking to achieve parity with the Native Americans in the curriculum; the shift from the term “Indian” (which the tribal members themselves use for self-description and the term their tribal representative used when she authored the initial legislation) to the more socially-acceptable term of “Native American” itself shows some of the dynamics of this matter.

With dramatic change in the state’s leadership and the election of the first governor of French-Canadian (Quebecois) ancestry – an ethnic group which was subjected to a great deal of racial and religious discrimination in years past – additional change can be rationally anticipated, particularly as the current law references neither the history nor culture of the state’s citizens of French ancestry .

Thus Maine currently requires the teaching of Maine history, including the state constitution, geography and environment, with the added requirement that the history of the state’s two indigenous Native American tribes also be taught. The state also has “statehood day” as a day of commemoration.

While historically the state curriculum was offered in the third or fourth grade and again in the seventh or eighth grade, the current statute makes no reference as to what grade level(s) the mandated curriculum is to be taught at, leaving this to the discretion of the state department of education. The state is thus coded “D” for statistical purposes.

4.1.3 Massachusetts

- State Constitution required to be taught in high schools
- Population subgroup histories required to be taught
- State history permitted to be required to be taught

4.1.3.1 State Constitution required to be taught in high school.

Massachusetts General Laws Chapter 71 § 2 requires the state constitution and local history and government to be taught in all public high schools.

4.1.3.2 Curriculum Frameworks require teaching of subgroup histories

The Curriculum Frameworks outlined in Massachusetts General Laws Chapter 69 § 1D include a teaching of “the contributions made by diverse cultural, ethnic and racial groups to the life of the commonwealth.”

4.1.3.3 Curriculum Frameworks permit teaching of state history

Massachusetts General Laws Chapter 69 § 1D states that “[t]he standards may provide for instruction in the fundamentals of the history of the commonwealth.”

4.1.3.4 Summary of Massachusetts findings

While the curriculum frameworks discuss both the teaching of subgroup histories and the history of the state as a whole, the only statutorily stipulated level-based instruction is the high school instruction in the state constitution and thus Massachusetts is found to have a state history curriculum that is at the high school level. Accordingly, the state is coded “H” for statistical purposes.

4.1.4 New Hampshire

- State history required to be taught in middle and high school grades
- State government required to be taught in middle and high school grades
- State constitution required to be taught in middle and high school grades
- Home schooled children required to be provided this instruction as well
- State flag required to be displayed at every “schoolhouse”

4.1.4.1 Instruction in state history and government required

New Hampshire Revised Statutes Annotated 189:11 requires “regular courses of instruction in the history, government and constitutions of the United States and New Hampshire, including the organization and operation of New Hampshire municipal, county and state government.

The statute continues by requiring that the instruction “begin not later than the opening of the eighth grade”, that it “continue in high school as an identifiable component of a year’s course in the history and government of the United States and New Hampshire.”

4.1.4.2 Copies of state constitution and state election laws to be provided to teachers

New Hampshire Revised Statutes Annotated 189:23 requires that a copy of both the state constitution and the state’s election laws be distributed to “all teachers of history and civics in the upper grades of elementary schools and to the teachers of United States history in junior and senior high schools.” New Hampshire Revised Statutes Annotated 189:22 requires the secretary of state to provide “such number of copies” of these two documents “as may be necessary.”

It is also important to note that New Hampshire Revised Statute 189:25 defines an “elementary school” as being “grades kindergarten through 8” which thus defines “the upper grades of elementary schools” to be those grades which are defined as being middle school grades for the purposes of this research.

4.1.4.3 Criteria for an adequate education

New Hampshire Revised Statutes Annotated 193-E:1 § IV defines the criteria of an “adequate education” as providing “all students with the opportunity to acquire”, amongst

other things “[k]nowledge of civics and government, economics, geography and history to enable them to participate in the democratic process and make informed choices as responsible citizens.”

4.1.4.4 Substantive educational content of an adequate education

New Hampshire Revised Statutes Annotated 193-E:2a § I (d) requires that standards be met in “social studies” as a condition of meeting the criteria of an adequate education. While New Hampshire Revised Statutes Annotated 193-E:2a§ V states that these “curriculum frameworks shall serve as a guide and reference to what New Hampshire students should know and be able to do in each area of education” it then immediately states that “[t]he frameworks do not establish a statewide curriculum.”

4.1.4.4 Home school education required to include history of state constitution

New Hampshire Revised Statutes Annotated 193-A:4 § I defines “home education” as including instruction in “history” and in “the history of the constitutions of New Hampshire and the United States.”

New Hampshire Revised Statutes Annotated 193-A:7 § II (b) states that the commissioner of education’s hearing officer may terminate a home education program that “has substantially failed to or cannot provide a child with a minimum course of study as required by RSA 193-A:4, I.”

4.1.4.5 Every school required to fly state flag

New Hampshire Revised Statutes Annotated 189:17 requires the school board to provide both “the United States flag and the New Hampshire state flag”, along with “a flagstaff and appliances for displaying the same” to “every schoolhouse in the district in

which a public school is taught.” These flags are required to be displayed “prominently outside of the schoolhouse” but “[w]hen they are otherwise displayed, the flags shall be placed conspicuously in the principal room of assembly in the schoolhouse.”

Members of the school board who “refuse or neglect to comply with the provisions of this section” are “guilty of a violation.”

4.1.4.6 Summary of New Hampshire findings

The state of New Hampshire requires that state history, government and the state constitution be taught in both the middle and high school grades. The state makes provision for teach person so teaching these subjects to have a copy of both the state constitution and state election laws. Knowledge of these subjects, including economics and geography, are considered to be criteria by which the concept of a mandated “adequate education” is to be evaluated, and they apply equally to parents homeschooling their children. The state also requires the state flag to be displayed and in the past would fine members of those school boards who failed to make arrangements for it to be displayed.

4.1.5 New York

- State history required to be taught
- State constitution required to be taught
- Holocaust required to be taught
- Slavery and underground railroad required to be taught
- Irish famine required to be taught
- Inhumanity of genocide required to be taught
- Commemorative holiday for Brooklyn and Queens in New York City

4.1.5.1 State history required to be taught

New York Education Law § 3204.3 a. (1) requires that the history of New York state be included in the curriculum for “the first eight years of full time public day school.”

4.1.5.2 State constitution required to be taught

New York Educational Law § 801 requires that the state constitution be taught in the 8th and higher grades.

4.1.5.3 Genocide, slavery, Holocaust and Irish starvation must be taught

New York Educational Law § 801 requires all children over the age of eight to be taught about “the inhumanity of genocide, slavery (including the freedom trail and underground railroad), the Holocaust, and the mass starvation in Ireland from 1845 to 1850”.

4.1.5.4 Anniversary day in Brooklyn and Queens

New York Educational Law §2586 states that the first Thursday in June, known as “anniversary day” and “celebrated in commemoration of the organization of Sunday schools” is a holiday in both Brooklyn and Queens and “pupils shall not be required to attend the public schools in such boroughs on such day.”

4.1.5.5 Summary of New York Findings

The state of New York requires that state history be taught up to the 8th grade and the state constitution be taught from the 8th grade onward. It requires all children over the age of 8 (i.e. 3rd grade) to be taught about genocide, slavery, the Holocaust and the Irish

starvation. There is a commemorative day for Brooklyn and Queens where attendance at school is optional.

With one requirement ending in the 8th grade and a second beginning there, the history requirement is found to be integrated throughout the entire curriculum.

Accordingly, the state is coded “I” for statistical purposes.

4.1.6 New Jersey

- State history required to be taught in high school
- State civics, geography & history required in elementary school
- Black history required to be taught in high school
- Commemorative day for Commodore John Barry

4.1.6.1 State History required to be taught

New Jersey Statutes Annotated § 18A:35-2 (4) requires that state history be included in a required high school course in US history.

4.1.6.2 Civics, geography and history of state required

New Jersey Statutes Annotated § 18A:35-3 requires that a course in “community civics, the geography, history and civics of New Jersey” be taught in the elementary schools.

4.1.6.3 Black history required to be taught

New Jersey Statutes Annotated § 18A:35-1 requires that both “the history of New Jersey” and “the history of the Negro in America” be included in this course.

4.1.6.4 Commodore Barry Day

New Jersey Statutes Annotated § 18A:36-10 designates September 13th as Commodore John Barry Day with New Jersey Statutes Annotated § 18A:36-11 and New

Jersey Statutes Annotated § 18A:36-12 mandating instruction and exercises honoring the “father of the American navy.”

4.1.6.5 Summary of New Jersey findings

New Jersey requires state history twice, first in the elementary school and then again in high school as part of a US history course. It also requires Black history and a commemoration for the man who founded the US Navy. The state history requirement is found to be mixed between the elementary and high school level and the state is thus coded “X” for statistical purposes.

4.1.7 Rhode Island

- State history and government required in elementary school
- State constitution and government required in high school
- Three commemorative days observed

4.1.7.1 State history and government required in elementary school

Rhode Island General Laws § 16-22-2 requires that the history and government of the state be taught in the elementary schools “commencing with the fourth grade.”

4.1.7.2 State constitution and government required in high school

Rhode Island General Laws § 16-22-2 requires that the state constitution and state government be taught in high school.

4.1.7.3 State history required to be taught in private schools

Rhode Island General Laws § 16-19-2 (3) requires that the history of Rhode Island be taught “substantially to the same extent” as it is taught in the public schools.

4.1.7.4 Grand Army Flag Day observed

Rhode Island General Laws § 16-20-3 designates February 12th (Lincoln's Birthday) is observed as Grand Army Flag Day with proper observance required in the schools.

4.1.7.5 Rhode Island Independence Day observed

Rhode Island General Laws § 16-20-3 designates May 4th to be observed as Rhode Island Independence Day with proper observance required in the schools.

4.1.7.6 Commodore John Barry Day

Rhode Island General Laws § 16-20-3 designates September 13th to be Commodore John Barry Day with proper observance required in the schools.

4.1.7.7 Summary of Rhode Island findings

The State of Rhode Island was found to require that state history and state government be taught at the elementary level, with the state constitution and state government being taught at the high school level. The state was thus found to have a requirement that was mixed between two levels and the state is thus coded "X" for statistical purposes.

4.1.8 Vermont

- State history and government required at all levels in all schools
- Lincoln's birthday required to be commemorated in all schools

4.1.8.1 State history and government required at all levels

Vermont Statutes Annotated § 906 (b) (2) requires all public and approved private schools and home study programs to include instruction in “[c]itizenship, history and government in Vermont...”

4.1.8.2 Lincoln’s Birthday required to be observed

Vermont Statutes Annotated § 907 requires that “[e]xercises in commemoration of the birth, life, and services of Abraham Lincoln” be conducted in all schools on the last day before February 12th each year.

4.1.8.3 Summary of Vermont findings

The State of Vermont is found to have a singular state history and government requirement which is required to be integrated into the curriculum at all levels. It also requires an observance of Lincoln’s Birthday. The state is thus found to have an integrated state history requirement and is coded “I” for statistical purposes.

4.1.9 Summary of the New England States

With the exception of Massachusetts and Connecticut, all of the states in this region have a law requiring that their state history be taught. In most cases, the curriculum is either taught on either the elementary and high school level or is fully integrated throughout the entire grade levels.

4.2 The South Atlantic Coast states

The South Atlantic Coast states are Delaware, District of Columbia, Maryland, North Carolina, South Carolina, and Virginia. Excepting Delaware, all are jurisdictions

where slavery was legal during the Nineteenth Century; North Carolina, South Carolina and Virginia were members of the Confederacy during the Civil War.

The District of Columbia, our nation's capital, is a unique entity that was established as a seat of the national government, a "*Federal District*" intended to be under collective jurisdiction of all the states and thus not under the control of any one state. In 1973, Congress passed the *District of Columbia Home Rule Act* (Public Law 93-198, 87 Statutes 774) which essentially created the city's municipal bureaucracy. This government is led by a mayor and thirteen member city council, elected by the city's residents, and for all intents and purposes has the full authority and responsibility of any municipal government.

The city's government also exercises those powers traditionally exercised by a state, powers such as the registration of motor vehicles and the licensure of their operators. In its capacity of municipality it operates the local school system, in its concurrent capacity of state government, it also oversees this system much as a state would do. Accordingly, the District of Columbia will be considered to be a state for the purpose of this research.

Likewise, Virginia is one of the four states that technically are "commonwealths." There are distinctions, most historical, and none considered worthy of note relative to the purposes of this research. Accordingly, with it being duly noted that it officially is "*The Commonwealth of Virginia*", for the purposes of this research, Virginia will be considered to be a state.

4.2.1 Delaware

- Middle and high schools are required to teach the state's constitution and government.

4.2.1.1 Instruction in state constitution and government structure required

Delaware Code Annotated 14 § 4103(a) requires that all public and private schools give a regular course of instruction in both the constitution and government of the state.

Delaware Code Annotated 14 § 4103(b) requires that this “begin not later than the opening of the 8th grade and shall continue in the high school courses.”

4.2.1.2 Summary of Delaware findings

The Delaware state history legislative mandate is thus found to be mixed between the middle and high school level and the state thus is coded “X” for statistical purposes.

4.2.2 District of Columbia (Washington, D.C.)

- District of Columbia history required as a condition for receipt of a high school diploma.

4.2.2.1 Unique nature of city/state status

As mentioned above, the District of Columbia posed a unique situation which was resolved by considering it to be a state, even though it technically is not one. Further complicating matters is the fact that there is no distinction made between the authority traditionally exercised by municipal authorities (e.g. running a school system on a daily basis) and the authority traditionally exercised by state authorities (e.g. overseeing the manner in which the multiple municipalities and/or local school districts run their own individual school systems).

Much as a decision was made to consider the District to be a state for the purposes of this research, a decision was made to also consider the city's municipal regulations to be state laws for the purpose of this research. Accordingly, and with the caveat that they are regulations written toward a unique district and not the variety of districts that most state authorities oversee, the District of Columbia municipal regulations regarding education will be considered to be state laws for the purpose of this research.

4.2.2.2 Instruction in state history required for receipt of a high school diploma

District of Columbia Municipal Regulations 5E§2203.2(a) [5 DCMR E§2203.2(a)] states that "District of Columbia History" is a component of the "Social Studies" curriculum requirement established as one of prerequisites for high school graduation and the related receipt of a high school diploma.

4.2.2.3 Summary of District of Columbia findings

The District of Columbia mandate consists of only a high school requirement mandating the study of the district's history and thus the state is coded "H" for statistical purposes.

4.2.3 Maryland

- No relevant legislative mandate of any kind.
- Encouragement for the Maryland Constitution to also be taught on *Constitution Day*.

4.2.3.1 Senator Byrd's little-known educational mandate

September 17th, the day it was signed in 1787, is generally considered to be "the birthday" of the Constitution of the United States. In 2004, the late Senator Robert Byrd (D-WV) sponsored an amendment which became known as Section 111 of Division J of

the Consolidated Appropriations Act of 2005 (Public Law 108-447) and which became codified in the Federal Statutes as Title 36 United States Code § 106 (d) (b). This law states that “[e]ach educational institution that receives Federal funds for a fiscal year shall hold an educational program on the US Constitution on September 17 of said year for the students served by the educational institution.”

The US Department of Education announced this obligation in *Notice of implementation of Constitution Day and Citizenship Day on September 17 of each year*, 70 Federal Register 29727 (May 24, 2005). Like those in the rest of the country, the K-12 schools in Maryland benefit from Federal funding and thus become obligated to provide this instruction. The Maryland legislature appears to have responded to this Federal legislative mandate by passing legislation of its own.

4.2.3.2 Maryland’s add-on authorizing teaching of state constitution

Maryland Code Annotated, Education, § 7-116(b) authorizes, but does not require, that this Federally-mandated educational program about the US Constitution be modified to also concurrently provide instruction about the Maryland State Constitution as well.

2.4.3.3 Summary of Maryland findings

The Federal “*Byrd Amendment*” mandate applies to all grades. In extending this with an option to teach about state constitution as well, Maryland thus created an optional curriculum enhancement for all grade levels and thus integrated it throughout all grade levels. Accordingly, Maryland is thus coded “I” for statistical purposes, with the caveat and disclaimer that there is no requirement that this optional program actually be taught

at any grade level anywhere in the state. No statute *mandating* the teaching of any aspect of the state's history was found.

4.2.4 North Carolina

- “Yearlong” state history and geography course required in elementary school.
- “Yearlong” course on state history required in middle school.
- Integrated instruction in the government of North Carolina is required.
- Option to include two weeks of localized instruction in both mandated courses.
- Contributions of racial and ethnic groups required to be included in curriculum.
- Disability history required to be included in curriculum.
- State Constitution may be posted or read as a civics document.

4.2.4.1 Elementary and middle school “year-long” course requirements

North Carolina General Statutes Annotated § 115C-81 (b1) requires that the state-wide curriculum include both a “yearlong” course on state history and geography in elementary school, and a second “yearlong” course in the middle school “on North Carolina history with United States history integrated into this instruction.” It also states that “[t]he course of instruction shall include contributions to the history and geography of the state and the nation by the racial and ethnic groups that have contributed to the development and diversity of the state and nation.”

It is also important to note that “§115-C81 (b1)” as it appears above is not in error, “(b1)” appears as such in the original and a similar alphanumeric numbering scheme (e.g. “(a4)”, “(e1)”, and “(4a)”) appear elsewhere in this statute and elsewhere. It appears that this is the manner in which North Carolina amends statutes, essentially fabricating a letter or number which does not exist so as to facilitate the insertion of a desired amendment at the place and level desired without having to either renumber all

subsequent sections of the statute or add a confusing amendment at the end with obtuse references to the earlier sections.

4.2.4.2. Integrated state government mandate contained in the larger statute

It thus is important to realize that while discussed above because they are the most explicit and extensive legislative mandates, the two “yearlong” courses that North Carolina General Statutes Annotated § 115-C81 (b1) require are but an amendment to a larger statute that establishes the state’s “*Basic Education Program*.” Subsection (b) of this statute contains sub-subsections requiring that the “*Basic Education Program*” include, amongst other things, (1) a “core curriculum,” (2) a “set of competencies, by grade level, for each curriculum level”, (3) a “list of textbooks”, and (4) “[s]tandards for student performance and promotion...”

Subsequent subsection (c) of the same statute requires the local boards of education to “provide for the efficient teaching” of this statewide course of study “at appropriate grade levels.” It then goes on to explicitly state that this mandate includes “integrated instruction in the areas of ...government of the State of North Carolina...” Thus in addition to the explicitly required two courses mandated above, there is a larger integrated requirement to teach about the state’s government as well.

4.2.4.3 Option to include topics of local interest in “year-long” state courses

North Carolina General Statutes Annotated § 115-C81 (b1) permits both of the mandated “yearlong” courses to include “up to two weeks of instruction relating to the local area in which the students reside.”

4.2.4.4 Population subgroup history requirements

North Carolina General Statutes Annotated § 115-C81 (b1) also states that the aforementioned two “yearlong” courses shall include the “contributions to the history and geography of the State and the nation by racial and ethnic groups that have contributed to the development and diversity of the State and nation.”

4.2.4.5 Requirement to incorporate disability history.

North Carolina General Statutes Annotated § 115C (j) requires that each local board of education to “provide instruction on disability, people with disabilities, and the disability rights movement in conjunction with *Disability History and Awareness Month* established pursuant to G.S. 103-11.” The instruction is required to be incorporated into the standard statewide curriculum at the discretion of the local authorities.

4.2.4.6..Teachers permitted to post/read civic documents including state constitution

North Carolina General Statutes Annotated § 115C 81(3a) allows “any public school teacher or administrator” to post and or read, and permits local districts to encourage them to post and or read, a variety of historic documents including the preamble to the North Carolina constitution.

4.2.4.7 Summary of North Carolina findings

North Carolina law requires multiple mandates which include both “yearlong” courses at the elementary and middle school levels on state history (including geography) and a more general integrated one relating to the state’s government. Population subsets, excluding women, are included in the curriculum via a general requirement that the two “yearlong” courses include “the racial and ethnic groups that have contributed to the

development and diversity of the State and nation” – there is no explicit naming or identification of any of these groups. Disability history is required to be integrated into the curriculum in conjunction with “*Disability History and Awareness Month*” and done so at the discretion of the local authorities. A much larger civics initiative involving the display and reading of civics-related documents explicitly includes the preamble to the state’s constitution.

If evaluated only on the two mandated courses, North Carolina would be found to have a mandate that was mixed between the elementary and middle school levels. If evaluated only on the other mandates, it could either be found to have integrated requirements because the legislation largely specifies them as being such, or requirements left to the discretion of educational authorities which is what they more appear to be. However, in the collective light of all of the above, the collective mosaic of North Carolina legislative mandates, viewed in their entirety, constitutes a mandate that is integrated throughout the curriculum. North Carolina is thus coded “I” for statistical purposes.

4.2.5 South Carolina

- Study of state history required as aspect of core standards.
- Study of state government required as aspect of core standards.
- Study of state economics required as aspect of core standards
- Study of state geography required as aspect of core standards.
- State flag required to be displayed/ flown at all schools.
- Text of state flag salute in education statute, implicit salute requirement.
- Incentive grants to improve grade K-5 teaching of state history, state government, state economics, and state geography.

4.2.5.1 Core standards require study in state history, economics and geography

South Carolina Code Annotated § 59-18-300 “directs” the state board of education to “adopt grade specific performance-oriented educational standards” with the goal of “providing every student” a variety of competencies including...“a working knowledge of world, United States, and South Carolina history, government, economics and geography.” South Carolina Code Annotated § 59-18-310 then requires a statewide assessment program to measure (a) student progress along the aforementioned standards in grades 3-8, (b) an “exit examination” that is first administered in the 10th grade, and (c) “end of course tests” for certain “gateway courses” in the high school grades.

South Carolina law thus establishes, amongst a variety of other things, these four state history topics as part of what it expects the children in the state’s schools to learn, and then establishes three categories of assessments to ensure that they have, in fact, learned it. As it is not possible for children to obtain competencies in subjects which they have not been taught, as the state-wide assessment system inherently serves to create an expectation that the children will have been taught what is being assessed, two statutes thus become a de-facto requirements that state history, state government, state economics and state geography be incorporated throughout the curriculum.

4.2.5.2 State flag required to be displayed, uncertain nature of salute requirement

A review of the statutes does not provide conclusive indication as to the legislature's intent relative to the salute of the state flag. South Carolina Code Annotated § 59-1-320 requires the state flag to be displayed along with the US flag "at all public schools." The immediate next section, South Carolina Code Annotated § 59-1-330, states what "the pledge to the flag of South Carolina shall be" but provides no guidance as to why this text appears in the education codes nor as to what the legislature intended to have the schools do in response to it so appearing there.

Both statutes, consecutively numbered, appear to date back to 1933. By contrast, the statute requiring each school to designate a specific time of the educational day for the salute of the US flag, South Carolina Code Annotated § 59-1-455, is a relatively new statute created in 1991.

The scope of this research, and thus the conclusions hereunder are limited to the actual text of the state statutes, in this case the South Carolina Code Annotated. A salute to the state flag and/or loyalty oaths to the state itself are relatively rare and found mostly in this region and the adjacent Gulf Coast region. For this reason, the text of the salute appearing in an educational statute is clearly significant.

Thus, and with the inconclusiveness of the statute duly noted, South Carolina is identified as a state which (a) has a salute to its state flag, (b) has a state educational statute which cites the same without explanation, and (c) it is left to the future researcher to determine exactly why it is there and the implications thereof.

4.2.5.3 Incentive grant program indicative of legislative intent

South Carolina Code Annotated § 59-1-525 establishes a “statewide grant program to enhance the teaching of the grade specific standards adopted” pursuant to the aforementioned South Carolina Code Annotated §59-18-300 and with the intent to “increase the academic performance of students in grades K-5 in the core academic areas of reading, mathematics, social studies and science.” South Carolina Code Annotated § 59-1-525(6), one of the stated goals of this grant program and a criteria upon which they are to be awarded, is, in part, to give K-5 pupils “a working knowledge of ...South Carolina history, government, economics and geography.

4.2.5.4 Summary of South Carolina findings

While South Carolina law doesn’t explicitly require the teaching of state history, by including it in what children are expected to have learned, by then instituting a series of assessments as to how well these children have learned it, and by further explicitly including the teaching of it in an incentive program directed at the elementary grades, the South Carolina legislature has – for all intents and purposes – mandated the teaching of state history in South Carolina schools.

After all, how are the children to have learned that which they were never taught? Mandating the students to know subject material thus becomes a mandate to both teach the material and to teach it effectively instead of just nonchalantly and perfunctorily. South Carolina’s approach thus becomes an innovative approach to the problem of merely passing a law and then to obtain compliance with it – by merely mandating the compliance, they address all of this at once.

No requirement for the inclusion of population subgroups was found.

It was also impossible to determine, within the scope of this research, if a salute to the state flag is required by implication or not – at the very least, the text of the salute to the state flag appears as a state educational statute and that alone is worthy of note.

South Carolina's core standards, and the instructional requirements created by them, are the most relevant aspect of the state's statutes. As they are integrated across all grade levels and throughout the curriculum, the state is coded "I" for statistical purposes.

4.2.6 Virginia

- Virginia history required to be taught at all levels K-12.
- Elementary schools required to teach "civil government" and state history.
- One high school credit in US & Virginia history prerequisite for diploma.
- Historic Virginia documents required to be taught at all grade levels.
- History and principles of the Virginia flag required to be taught.
- Contributions of diverse peoples – disability, ethnicity, race & gender – required
to be included in history curriculum.

4.2.6.1 State history required to be taught at all levels

Virginia law requires that state history be taught at all grade levels. Virginia

Code Annotated § 22.1-201 states that

[t]o increase knowledge of citizens' rights and responsibilities thereunder and to enhance the understanding of Virginia's unique role in the history of the United States, the declaration of American Independence, the general principles of the Constitution of the United States, including the Bill of Rights, the Virginia statute of religious freedom, the charters of April 10, 1606, May 23, 1609, and March 12, 1612, of The Virginia Company, and the Virginia Declaration of Rights shall be thoroughly explained and taught by teachers to pupils in public elementary, middle, and high schools. Emphasis shall be given to the relationship between these documents in Virginia history, and to the citizenship responsibilities inherent in the rights included in these documents. Written examinations as to each of such documents shall be given.

This is a clear legislative mandate that not only requires the teaching of the state's history but goes on to articulate the specific documents which the legislature wishes to have used as the primary sources for the curriculum it wishes to have taught.

Virginia Code Annotated § 22.1-253.13:1C requires local school boards to teach Virginia history on all levels (K-12) and Virginia Code Annotated § 22.1-253.13: 3C stipulates a statewide assessment in US history, which has already been defined as including Virginia history, thus mandating an assessment in the latter.

4.2.6.2 Elementary schools required to teach state government and history

In addition to the integrated requirements above, Virginia Code Annotated § 22.1-200 requires that every public elementary school to teach "civil government" and the "history of Virginia."

4.2.6.3 Virginia history required for high school diploma

The Virginia standards of quality, as articulated by Virginia Code Annotated § 22.1-253.13: 4.D.2., require "one credit in United States and Virginia history" as a requirement for all forms of a high school diploma.

4.2.6.4 History of state flag required to be taught

Va. Code Ann. § 22.1-202 requires instruction in the history and "principles of" the Virginia flag.

4.2.6.5 Population subgroup history

Virginia Code Annotated § 22.1-253.13:1B states that "the study of contributions to society of diverse people" shall be included in the *Standards for Learning*. "Diverse" is defined to include "considerations of disability, ethnicity, race and gender." By

including “disability” and “gender” in this statute, Virginia (unlike South Carolina) includes both women’s history and disability history in its curriculum.

4.2.6.6 Summary of Virginia findings

Virginia has multiple redundant requirements that the state’s history be taught in Virginia schools. The state’s history is required to be taught at all grade levels K-12, there are redundant requirements that elementary schools teach the state’s history and that it be included in the high school curriculum as a requirement for graduation. In addition, there are requirements that specific historical documents and Virginia’s role in the nation’s founding also be taught.

The history and principles of the state flag are required to be taught, along with the contributions of “diverse peoples” with the latter including aspects of disability, ethnicity, race and gender. It is also particularly noteworthy that the state uses its historical documents to teach the “citizenship responsibilities inherent in the rights included in” the documents.

Virginia’s legislative mandates overlap, with one on the elementary school level, one on the high school level, two which apply to all levels K-12 and then an assessment requirement that also applies to all levels K-12. The state history requirement is thus found to be integrated throughout all levels, with Virginia thus being coded “I” for statistical purposes.

4.2.7 Summary of the South Atlantic states

4.2.7.1 Range of legislative mandates

The legislative mandates in this region range from an optional add-on in Maryland to the redundant and overlapping statutory requirements of Virginia. Excepting Maryland, which has only the optional amended curriculum for the Federally-mandated instruction of *Constitution Day*, all the states in this region have at least one relevant legislative mandate to teach their state's history in K-12.

4.2.7.2 Requirements that the history of the state be taught

The District of Columbia, North Carolina, South Carolina, and Virginia require that the history of the state be taught. In the District of Columbia this is a single requirement that exists a prerequisite for a high school diploma. North Carolina requires it to be taught twice, once in the elementary grades and then a second time in the middle school grades.

South Carolina incorporates it into its core standards and thus requires it to be taught at all levels, ensuring the effectiveness of the instruction via the state-wide assessments. Virginia likewise requires it be taught at all grade levels, except that the Virginia statutes merely require that it be taught, and in some cases specify what it is that must be taught, without the statutes mandating any assessment for the effectiveness of this teaching.

4.2.7.3 Requirements that the state constitution be taught

Delaware requires that both the middle and high schools provide instruction in the state's constitution. Virginia requires that portions of its constitution, along with other similar historical documents including prior versions thereof, be taught at all levels K-12.

Maryland's sole requirement is but an option for the state constitution to be taught in conjunction with the Federally-mandated *Constitution Day* instruction on the US constitution. North Carolina law neither requires nor authorizes instruction in the state constitution, but its civics initiative permits any public school teacher or administrator to post or read the preamble to the North Carolina constitution and further permits the local school districts to encourage this practice.

4.2.7.4 Requirements that state/local government be taught

Delaware requires that its middle and high schools teach the government of the state.

North Carolina requires instruction in state government as part of its "Basic Education Program and further requires that it be integrated into all levels K-12. Likewise, South Carolina includes the study of the state government as part of its core standards with the requirement also integrated throughout all grade levels.

Virginia requires that the elementary schools teach about "civil government" which is presumed to be state and local government, a belief reinforced by the phrase "history of Virginia" immediately following and becoming the second half of the mandate.

4.2.7.5 Requirements that state geography or economics be taught

North Carolina requires that the state's geography be taught in elementary school.

South Carolina requires that both the state's geography and the state's economy be studied as part of the core curriculum.

4.2.7.6 State flag

Virginia requires that the history and principles of the Virginia flag be taught.

South Carolina requires that public schools display the state flag along with the US flag with the pledge to the state flag appearing as an educational statute. A third of the states in the region thus have an explicit law regarding their state flag, one requiring its history be taught and another which at least has the salute to it as a state statute.

4.2.7.6 Holocaust/genocide/internment/exile

None of the states in this region have any laws relative to the Holocaust, to other instances of genocide, to wartime internments of American citizens, or to the forcible relocation of any peoples residing in the North American continent to any other location.

4.2.7.7 Disability history

North Carolina requires disability history to be incorporated into the curriculum in conjunction with the state's *Disability History and Awareness Month*.

Virginia includes "disability" in its definition of diversity, with a requirement that the study of the contributions to society of diverse people shall be included in the "*Standards for Learning*."

4.2.7.8 Population subset histories

4.2.7.8.1 Collective Inclusion

North Carolina General Statute Annotated § 115C81 (b1) requires that the instruction it mandates “include the contributions ...by the racial and ethnic groups that have contributed to the development and diversity of the state and nation.” Neither this provision includes the history of North Carolina women nor is there a mandate elsewhere to include their histories in the curriculum.

Virginia Code Annotated § 22.1-253.13:1B states that “the study of contributions to society of diverse people” shall be included in the Virginia *Standards for Learning*. “Diverse is then defined to include “considerations of disability, ethnicity, race and gender.” Virginia thus not only includes women’s history but also disability history in a general category which includes racial and ethnic diversity.

4.2.7.8.2 Specific racial/ethnic/cultural group history mandate

No laws requiring the teaching of any specific group’s history were found.

4.2.7.8.3 Women’s history

Excepting the aforementioned Virginia statute that includes gender as a form of diversity, with the historic contributions of women thus required to be in the curriculum, there is no mention of women or women’s history in region.

4.2.7.8.4 Summary of population subset history requirements

One striking finding is that, with the exception of North Carolina’s requirement for disability history instruction – something mandated by an unrelated statute authorizing an otherwise-unrelated observance - there simply are no explicit population

subset history requirements, no requirement to affirmatively teach the history of any group which has been oppressed or overlooked in the past, and no explicit mandate to teach the more regrettable aspects of either the region or country as a whole.

Two of the states have what can best be described as a nondiscrimination and inclusion requirement, a requirement which, in the case of North Carolina, does not include women. The other four states lack any law of this sort whatsoever.

4.2.7.9 Enforcement and consequences of not providing required instruction

The District of Columbia and Virginia require their high school curriculum as a condition for a high school diploma and/or graduation from high school. The statute mandating South Carolina's assessment program includes a mandate for "end of course" evaluations which may possibly be tied to graduation in some capacity.

Other than this restriction on status as a high school graduate in less than half the states in this region, there are no other sanctions on those students who either fail to take these mandated courses and/or fail to pass them. No sanctions upon teachers or administrators who fail to either teach or ensure that these courses are taught were found.

4.2.7.10 Overall summary of region

The broad overview of the South Atlantic Coastal States is that the requirements found here are along the lines of state pride. Virginia goes the furthest in this direction, Virginia also has the most extensive educational code and historically has been the regional trendsetter. While the intent of South Carolina's flag salute law isn't clear, there are two states explicitly mentioning a salute to their state's flag in a nation where many states don't even *have* a salute to their state flag.

Four states, two-thirds of the region, have a mandate that their state history be taught. A different combination of four states, again two-thirds of the region, have a requirement that their state government and/or its subdivisions be taught. Both of these in combination with a third of the states having laws referencing their state flag create a noticeable interest in what can be described as the teaching of collective pride for and in the state.

Noticeably lacking were laws requiring the teaching of the unique histories of various subsets of the population, noticeably lacking was any statutory reference of the type found in other regions explicitly requiring instruction about specific past instances of social injustice.

4.3 The Gulf Coast states

The Gulf Coast States are Alabama, Florida, Georgia, Louisiana, and Mississippi. All except Georgia border the Gulf of Mexico, with Georgia and Florida bordering on the equally warm waters of the Atlantic Ocean. These five states are noted for their hot/humid climate and a topography which includes significant areas of wetlands – each state is noted for a large and almost mythical swamp.

All were once slave states, combined with Texas they once constituted the Fifth Federal Circuit and while Alabama, Georgia and Florida were moved to the Eleventh Circuit when it was created in 1981, the significant fact is that these states were in the same circuit during the civil rights era.

4.3.1 Alabama

- State history required to be taught in all elementary and middle schools (Grades 1-8)
- State geography required to be taught in all elementary and middle schools (Grades 1-8)
- State flag required to be displayed

4.3.1.1 Elementary and middle school levels combined

Alabama Code §16-6B (3) (f) first states an intent to “prescribe the minimum content of courses of study for all public elementary and high schools” and then defines the required “courses for grades one through eight in all public schools.” Alabama law thus combines the elementary and middle school levels into a singular entity.

Alabama thus defines the elementary grades to include what are defined as the middle grades for purposes of this research and thus any reference to the elementary schools contained within Alabama law, absent language to the contrary, will be presumed to also apply to the middle school grades.

4.2.1.2 State history and geography required

Alabama Code § 16-35-5 states that “[i]n every elementary school in the state there shall be taught ... [the] history of ... Alabama.”

Alabama Code § 16-6B (3)(f) first states that “[i]n every elementary school, there shall be taught...history of...Alabama.” The statute goes on to then to include “social studies” in the four specific core areas of study required to be taught “each year” in “every elementary school”, continuing by stating that “[s]ocial studies shall emphasize geography and history of the United States and Alabama.”

4.3.1.3 State flag requirement

Alabama Code § 16-43-1 requires that “every school and educational institution” that is “supported in whole or in part by public funds” display the “United States flag and the Alabama State flag.”

4.3.1.4 Summary of Alabama findings

Alabama law defines Grades 1-8 as constituting an “elementary school” where state history is part of the curriculum, and then goes on to require that “social studies”, with its required emphasis on state history and geography, be taught “each year.” As this requirement applies concurrently to both the elementary and middle school levels, as such have been defined for the purposes of this research, the state is found to have a requirement that is mixed between two levels and the state is thus coded “X” for mixed.

4.3.2 Florida

- Study of state history required at both middle and high school levels
- Study of state constitution is required
- Study of state government and subdivisions is required
- Graduation requirement at middle school/9th grade promotion
- High school graduation requirement
- Study of Holocaust is required
- Study of disability history is permitted but not required
- Study of women’s history is required
- Study of African-American history is required
- Study of Hispanic history is required

4.3.2.1. State history required to be taught

Florida Statutes Annotated 1003.42 (2) (l) requires the instructional staff of the public schools teach “the history of the state.” There are additional requirements discussed *supra*, but this statute applies to all levels of instruction.

4.3.2.2 State constitution required to be taught

Florida Statutes Annotated 1003.43 (1) (g) mandates high school study of the state constitution.

4.3.2.3 Structure of state government and its subdivisions required to be taught

Florida Statutes Annotated 1003.42 (2) (e) requires the instructional staff of the public schools to teach “[t]he elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts and special districts.” Florida Statutes Annotated 1003.43 (1) (g), cited above, mirrors this requirement on the High School level.

4.3.2.4 Middle school graduation requirement ~ promotion to 9th grade

Florida Statutes Annotated 1003.4156 (1) (a) 3 requires that prior to being promoted to the ninth grade, the successfully complete academic requirements which include one semester of “study of state and federal government.” Florida Statutes Annotated 1003.4156 (2) further states that students “not enrolled in schools with a middle grades configuration are subject to the promotion requirements of this section.”

4.3.2.5 High school graduation requirement

Florida Statutes Annotated 1003.43 (1) (g) requires successful completion of the “[o]ne-half credit of required study of Florida government as a condition of high school graduation.

4.3.2.6 History of the Holocaust is required to be taught

Florida Statutes Annotated 1003.42 (2) (g) requires the instructional staff of the public schools to teach the history of the Holocaust. It further requires it to be taught “in

a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person.”

4.3.2.7 Disability history is permitted to be taught, but not required

Florida Statutes Annotated 1003.4205 permits each district to teach disability history “in all K-12 public schools in the district during the first 2 weeks in October each year.” The statute goes on to state that the board “shall designate these 2 weeks as ‘Disability History and Awareness Weeks.’” The stated purpose of this instruction is not only to teach the history of individuals with disabilities but to also address issues of bullying and other forms of harassment of disabled students within the school, the latter being outside the scope of this research.

4.3.2.8 Women’s history is required to be taught

Florida Statutes Annotated 1003.42 (2) (q) requires the instructional staff of the public schools to teach “women’s contributions to the United States.”

4.3.2.9 African-American history is required to be taught

Florida Statutes Annotated 1003.42 (2) (h) requires the instructional staff of the public schools to teach African-American history “including the history of African peoples before the political conflict that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African-Americans to society.

4.3.2.10 Hispanic history is required to be taught

Florida Statutes Annotated 1003.42 (2) () requires the instructional staff of the public schools to teach the history of “Hispanic contributions to the United States.”

4.3.2.11 Summary of Florida findings

Florida requires both state history and state government to be taught at all levels. It requires the study of the Holocaust, recommends the study of disability history, and mandates the study of the histories of women, African-Americans and Hispanics.

Florida requires the successful completion of the study of Florida government for graduation from both middle school (i.e. promotion to 9th grade) and high school.

4.3.3 Georgia

- All elementary and secondary schools required to teach state history
- Study of the state constitution is required
- Study of the state government and its subdivisions is required
- Learning the pledge of allegiance to the state flag is required.
- Successful completion of state history courses is required for high school diploma

4.3.3.1 State history required to be taught

Georgia Code Annotated § 20-20142(a) (1) (B) requires all elementary and secondary schools “which receive, in any manner, funds from the state” to provide a course in “the history of Georgia.”

4.3.3.2 State constitution required to be taught

Georgia Code Annotated § 20-20142(a) (1) (B) requires all elementary and secondary schools “which receive, in any manner, funds from the state” to provide a course in “the essentials of the ... Georgia Constitution.”

4.3.3.3 Study of state, county and municipal government required

Georgia Code Annotated § 20-2-142 (a) (1) (A) requires all elementary and secondary schools “which receive, in any manner, funds from the state” to provide a course in “the background, history, and development” of state, county, and municipal governments in Georgia. A second requirement of the statute is a course in "the history of Georgia" which is required to include a study of the state constitution and pledge of allegiance to the state flag.

4.3.3.4 High school state history/government course(s) prerequisite for diploma

Georgia Code Annotated § 20-2-142 (a) (2) establishes the successful completion of the high school course in state history and government as a prerequisite for receipt of a high school diploma.

4.3.3.5 Presumptive exemption for special education students

Georgia Code Annotated § 20-2-142 (a) (3) exempts disabled students from this requirement as long as “their Individualized Education Programs have not specified that the disabled students must enroll in and successfully complete both of these courses.”

By exempting special needs students as a matter of right and requiring that the expectation be explicitly added to an IEP in order for a disabled student to have to meet this requirement, Georgia levels the playing field between those students with effective advocacy and those without – all students are able to get the exemption, even those without an advocate arguing for it.

With the second provision that the IEP must specify an expectation that the student will successfully complete the course, it enables the student to attempt it without the high stakes consequences of discovering that the course is beyond the student’s

ability. While outside the scope of this research, an interesting inquiry would be if the landmark case of Draper v. Atlanta Independent School System, 518 F. 3d. 1275 (2008) influenced the wording of this statute.

4.3.3.6 Rules and possible exemption for students moving into state

Georgia Code Annotated § 20-2-142 (a) (4) states that the state board of education shall “provide rules and regulations for those students who transfer into a Georgia high school after having completed the year in which these courses are taught.” The state board is also authorized to provide exemptions to the requirement.

This addresses the inequity issue of a student who had already successfully completed a grade in another state essentially having to repeat part of it in order to receive a diploma from a Georgia high school.

4.3.3.7 Rules and possible exemptions for students with a parent in the military

Georgia Code Annotated § 20-2-142 (a) (4) also authorizes the state board to provide exemptions for those students who have a parent serving in the “armed forces of the United States.” In part, this is the same issue as those students whose civilian parents move into the state, the inherent inequity of essentially forcing a student to repeat part of a grade that the child has already successfully completed.

4.3.3.7.1 Military K-12 schools

The larger issue are the military’s own K-12 schools. The Department of Defense Education Activity’s (DoDEA) Domestic and Dependent Elementary and Secondary School System (DDESS) operates nine elementary and one middle school in Georgia itself, 66 in North America and has over 2,300 educational professionals serving more

than 26,000 children of military personnel. DoDEA also operates the Department of Defense Dependents Schools (DoDDS) at American military installations throughout the world.

As regulation of the military is an authority granted to Congress by the US Constitution, the concept of federal supremacy precludes the State of Georgia from having any control over the ten DDESS K-12 schools located within its borders. The federal government is, of course, free to voluntarily comply with any state law that it chooses to, but it is under no obligation to do so. While it is an open question of if the compulsory education and truancy laws are applicable to children living on a military reservation, the practical reality is that state authorities aren't even going to get onto a military post without the military's permission.

4.3.3.7.2 Georgia's need to work with the military's schools

Georgia is thus confronted with not only with the transient nature of military dependents but also students entering its high schools who have attended DDESS (and DoDEA) schools over which it has no lawful authority. An interesting topic for future research, far outside the scope of this dissertation, would be an investigation of the working relationships and shared protocols that exist between the DDESS schools and the relevant state departments of education.

4.3.3.8 Salute to state flag required

Georgia Code Annotated § 20-2-142 (a) (1) (A) requires that both elementary and secondary schools teach the pledge to the Georgia state flag, although it is not clear if the children are required to recite it, or just to learn it.

4.3.3.9 Summary of Georgia findings

Georgia appears to require that the state-related curriculum be taught twice, subject to the state's larger core curriculum; once on the elementary school level and a second time on the high school level. Emphasis is placed in three directions: the state's history, the state's constitution, and the state's governmental entities with the related mandate to address the latter within the context of their "background, history and development." Georgia thus has a very clearly overriding historical emphasis in all of this – children are to be taught more how the state, county and municipal governments came to be as they currently exist more than just that they do.

The high school course(s) in state history and state government (which apparently can be combined if the local authorities so desire) are a prerequisite to a high school diploma, with a presumptive exemption granted to disabled students and exemptions authorized for students who move into the state and for those with a parent in the military.

Georgia also requires children to learn the pledge to the state flag, although it is not clear if they also are required to recite it or not. As there is the requirement that both the elementary and secondary schools are required to provide the instruction, the mandate is found to be mixed across multiple levels and Georgia is thus coded "X" for "mixed."

4.3.4 Louisiana

- High schools are required to offer instruction in the history "of the French peoples" not only in Louisiana but also "in the Americas."
- School districts are authorized to exempt themselves from this requirement via petition to state which is not permitted to be denied.
- High schools are required to offer instruction in black history.
- High schools are required to include women's history in the general curriculum.

- Racial and cultural history are addressed via optional classes in both French and African languages.

4.3.4.1 Background on the unique nature of Louisiana state history

Louisiana's approach to the teaching of state history can only be understood within the context of 19th Century conflict between the English and the French, a world war with epic battles in North America. Eventually, the British prevailed and they proceeded to remove all of the French Acadians from what is now Nova Scotia, most of them winding up in Louisiana where they became the Cajuns.

History includes culture, and in this case, culture also includes language. In such a context, one can view the teaching of language itself as a form of historical instruction. Accordingly, in the case of Louisiana, the teaching of the French language is considered to constitute state history instruction.

4.3.4.2 French language, history and culture requirements

In addition to requiring five years of French language instruction in elementary school (which parents can opt out of) and an additional three years in high school (which the students themselves can opt out of) – with school districts free to opt out of both requirements in their entirety should they so desire – Louisiana Revised Statutes Annotated § 17:272 requires a course in the history and culture of the French peoples, both in Louisiana and elsewhere in “the Americas.”

4.3.4.3 Black history required

Louisiana Revised Statutes Annotated § 17:277 requires all public high schools to “offer instruction in black history and the historical contributions of all nationalities.”

4.3.4.4 Instruction in African languages may be offered

Louisiana Revised Statutes Annotated § 17:285 permits any public school to offer instruction in "an African language or languages."

4.3.4.5 Women's history curriculum "requested" by legislature

House Concurrent Resolution No. 261 of the 1987 regular session requested and urged the establishment of a woman's history curriculum in all public high schools and stated that the state Board of Education "shall adopt regulations to ensure the proper implementation of the instruction of woman's history and suitable curricula and teaching materials" with local boards required to "schedule such instruction according to established regulations."

A Louisiana concurrent resolution "can suspend a law, and as such, has the effect of law; it can also be used to ...express legislative intent." (Chiang, 1990). One could theoretically argue that *Resolution 261* constituted a limited suspension of those laws authorizing the Board of Education to exercise discretion over curriculum and the local boards over scheduling, but a more realistic interpretation of this resolution would restrict it to being an expression of legislative intent. In either case, this may well be a distinction without a difference in that the legislature is both the funding entity and the body authorized to rewrite legislation, always free to act further if displeased with the result of its "request."

This resolution was passed at a time when the majority of educational leaders were veterans of either the Second World War or the Korean Conflict. A quarter century later, a new generation of educational leaders may well institute women's history into the

curriculum on the basis of their own professional judgment and at their own initiative, thus complying with this resolution without knowing it exists.

4.3.4.6 Summary of Louisiana findings

Were one to ignore the five years of French language instruction in the elementary schools, along with the concurrent option to provide instruction in one or more unspecified African languages, and then to dismiss the women's history requirement because of its unusual legislative mandate, one could then conclude that the state history requirements of Louisiana are only at the high school level. Likewise, were one to take a traditionalist and orthodox view of what constitutes state history, ignoring the unique nature of Louisiana's history, one could dismiss the high school curriculum as being something other than state history.

The fact is, however, that this is Louisiana and a state where the 1755 removal of the French Acadians from Atlantic Canada has a direct historical relevance to the people who live in the state. The fact is that the French language is tied directly to the culture of these people, and that their culture is tied to their history. Thus teaching a third grader the French language in Louisiana essentially becomes teaching her about her own history and that of her state, the inclusion of the African languages appears to be an attempt to address any inequity and likewise becomes teaching a child his history and that of his state.

In almost any other context, in almost any other state, what is found to be state history in Louisiana would be found to be, at best, the histories of subsets of the state's population. There are other ethnic groups in the state, its current governor Bobbie Jindell is the child of Indian immigrants. The changing demographics of the state will eventually

require a systematic rethinking of its approach to its teaching of state history. But until fairly recently, the people of Louisiana could trace their ancestry back to either France or Africa, to an involuntary relocation to Louisiana and to another language to which an almost forgotten culture is linked.

Accordingly, the language instruction is found to be a form of state history instruction, and as it (and the women's history) is integrated throughout all grades, state history is found to be so integrated and the state is thus coded "I" for statistical purposes.

4.3.5 Mississippi

- All schools are required to teach the history of and respect for the Mississippi state flag.
- The official pledge to the State of Mississippi is taught and recited in all schools.

4.3.5.1 History of state flag to be taught

Mississippi Code Annotated § 37-12-5 (3) requires that "all public schools" teach the history of the state flag "and what it represents." The statute is not clear if it is intended to reference just the history of the flag itself, with the 'and what it represents" an intended reference to just the items on the flag itself, or if it is a reference to the state and its history, both of which a state flag are representations of.

4.3.5.2 Pledge of allegiance to the state flag

Mississippi Code Annotated § 37-13-7(2) defines the specific wording of the pledge to the state flag. The statute mandates both that this pledge must be taught in all public schools, and that the pledge be recited concurrent with the pledge to the American flag.

4.3.5.3 Summary of Mississippi findings

Mississippi's approach to the teaching of state history is centered around the state flag. While it is impossible to determine the extent to what the flag "represents" is considered to be the larger history of the state without actually conducting field-based research of some form, the presumption is that flags, both by the nature of their design and by the nature of their historical presence, represent the history of a state.

In any case, Mississippi has a state history curriculum which is centered around the state flag, it is integrated across all grade levels and thus the state is coded "I" for statistical purposes.

4.3.6 Summary of the Gulf Coast States

First, there is a clear difference between Louisiana and the rest of the region. Louisiana appears to view its state history in the context of two ethnic groups, two peoples whose non-English language is core to their understanding of their culture and thus their history. There clearly is more to Louisiana than where these peoples came from, the state's demographics are diversifying much as they already have in the Canadian Province of Quebec, and it will be interesting to see if the cultural historical approach is diversified to include the cultures and histories of the newer groups, if there is a shift toward more of a collective and less language-based approach to state history, or if Louisiana starts encountering some of the issues that have plagued Quebec for the past couple decades.

Second, there is a clear difference between Florida and the rest of the region. Florida embraced education reform, the Florida legislature wrote a lot of statutes, and in a way that can only be ascertained by physically reading them all, Florida has taken a far

more comprehensive approach to K-12 education than any other state in the region. The state is growing, but so are others in the region and, like Louisiana, may somehow be different enough from the Alabama/Georgia/Mississippi triad to be inherently different.

The interesting thing about Florida is that while its African American history statue mandates going back to “the history of African peoples before the political conflict that led” to slavery, the similar statute mandating Hispanic history neither explicitly mentions persons of Cuban ancestry nor how they fled Castro’s government over a half century ago.

The states of Alabama, Georgia and Mississippi all have an education law relative to their state flag. Alabama merely requires it be displayed, Georgia and Mississippi require that students learn the salute to it. In Mississippi, the state history curriculum is exclusively about the state flag “and what [the state flag] stands for”, a concept which may be very myopic and is beyond the scope of this research to determine.

An additional note is also required about Georgia and the Department of Defense schools. Georgia is by no means the only state with large military bases within its borders, and thus is not the only state where children living on these bases are being educated in the DDESS schools – North Carolina comes to immediate mind. Outside the scope of this research but known to this researcher are efforts of many of these states to engage in cooperative ventures to educate the children of military personnel, children which they know will be passed from one state to another as the family moves from posting to posting.

Georgia differs from North Carolina in that its state history requirements include a high school graduation requirement – from which it exempts the children of military personnel.

4.3.7 Salutes to state flags

A special note about the salute to the state flag is warranted. In addition to Georgia and Mississippi, there is the likelihood that South Carolina does as well. Hence three states in fairly close geographic proximity addressing the salute to their state flag while the majority of the states haven't even authored a salute to their state flags. Other than its oddity, the researcher is unable to determine its relevance.

4.4 The Midwest states

The Midwest states are Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. Pennsylvania and West Virginia were placed into this group because they are states through which the Appalachian mountains run and were felt to be more closely related in terms of history and culture to these states than to those on the Atlantic seaboard.

None of these states border on the Atlantic Ocean. Pennsylvania borders on the Delaware Estuary but the vast majority of the state lies far to the west. The other states are landlocked and without direct access to a navigable water route to the Atlantic Ocean. Pennsylvania straddles the Appalachians, West Virginia is in them, and the other states extend from their western banks down into the fertile plains of the Midwest.

The northern portion of this region was originally known as the "Northwest Territory, Tennessee was once part of North Carolina, while the states of Kentucky and

West Virginia were once part of the Commonwealth of Virginia. This was America's first national frontier, some of the first states outside the original 13.

With nine states, is the largest of the divisions in this research, an eclectic mix of states that are both rural and urban, northern and southern, one which stretches from the Great Lakes to the Smoky Mountains. It is also important to note that both Pennsylvania and Kentucky are technically "commonwealths"; Kentucky being unique in that it is the only "commonwealth" that does not predate the country itself.

There are distinctions between a "state" and a "commonwealth", mostly historical, and none considered worthy of note relative to the purposes of this research. Accordingly, with it being duly noted that it officially is "*The Commonwealth of Pennsylvania*" and "*The Commonwealth of Kentucky*", for the purposes of this research, both will be considered states.

4.4.1 Illinois

- State history taught within context of teaching the ethnic history of absolutely every racial group in the state, with an explicit intent to include any not mentioned
- Successful completion of ethnographic history course required for 8th grade graduation
- State constitution required be taught at all levels in all schools
- Study of the Holocaust is required
- Study of Black history is required
- Study of women's history is required
- Study of disability history is required
- "Irish famine" may be studied
- Special cultural commemorative days are observed

4.4.1.1 Ethnographic state history mandate contained within US history mandate

Illinois Compiled Statutes 105 § 5/27-21 , which mandates the teaching of US history in “all public schools” goes on to further define this mandate as including the teaching of “the roles and contributions” of what appears to be a comprehensive list of every ethnic group in the state. With the inclusion of “and not restricted to” and “et cetera”, there is a very clear intent to require the teaching about the ethnic history of everyone in the state.

Explicitly named are: African-Americans, Polish, Lithuanian, German, Hungarian, Irish, Bohemian, Russian, Albanian, Italian, Czech, Slovak, French, Scots, Hispanics, and Asian-Americans. The statute also requires instruction about “the forceful removal and illegal deportation of Mexican American US citizens during the Great Depression” , it requires the study of the histories of these peoples “in the history of this country and of this state” and thus very clearly is a state history mandate, albeit one in the context of social history.

4.4.1.2 Completion & examination requirement for eighth grade graduation

Illinois Comprehensive Statute 105 § 5/27-3 also mandates that having received this instruction and giving “evidence of having comprehensive knowledge” of it is a requirement for graduating from the eighth grade of any public school in the state.

4.4.1.3 State constitution instruction & graduation requirements

4.4.1.3.1 State constitution must be taught in all schools

Illinois Compiled Statutes 105 § 5/27-3 requires that the state constitution to be taught in “all public schools and other educational institutions supported or maintained in whole or in part with public funds.”

4.4.1.3.2 One hour per week required

Illinois Compiled Statutes 105 § 5/27-4 requires that at least one hour per week be devoted to the study of the list of patriotic items enumerated in the preceding § 5/27-3 (which includes the Illinois constitution) in grades 7-12, with “advanced study” required in the high school grades.

4.4.1.3.3 Successfully passing examination of subject required for graduation

Illinois Compiled Statutes 105 § 5/27-3 is a general patriotism and civics instruction statute, of which the study of the state constitution is included. The statute concludes by stating that “no student shall receive a certificate of graduation without passing a satisfactory examination upon such subjects.”

4.4.1.3.4 Summary of requirement and impact thereof

The state constitution (and the larger civics curriculum) is required to be taught at the middle and high school levels, although Illinois Consolidated Statutes 105 §5/27-4 explicitly states that it “does not prevent the study of such subjects in any of the lower grades.”

Illinois appears to have at least two graduations, one in the 8th grade and one in the 12th grade, with knowledge of the civics curriculum (including the Illinois

constitution) a prerequisite for both graduations, i.e. to advance to the 9th grade and to receive a high school diploma.

4.4.1.3 Study of the Holocaust and other genocides is required

Illinois Compiled Statutes 105 § 5/27-20.3 requires every public elementary school and every high school to teach “a unit of instruction studying the events of the Nazi atrocities of 1933 to 1945.” To “reinforce the “lesson” that “national, ethnic, racial or religious hatred can overtake any nation or society”, the “curriculum shall include an additional unit of instruction studying other acts of genocide across the globe”, including “the Armenian Genocide, the Famine-Genocide in [the] Ukraine” and more recent genocides in “Cambodia, Bosnia, Rwanda and the Sudan.”

4.4.1.4 Black history is required

Illinois Compiled Statutes 105 § 5/27-20.4 requires every public elementary school and all high schools to teach Black history which is required to include “the African slave trade, slavery in America, and the vestiges of slavery in this country.” The statute mandates not only teaching about “the contributions of individual African-Americans in government and in the arts, humanities and sciences to the economic, cultural and political development of the United States and Africa” but also “the socio-economic struggle which African-Americans experienced collectively in striving to achieve fair and equal treatment under the laws of this nation.”

The statute adds that the curriculum “shall constitute an affirmation by students of their commitment to respect the dignity of all races and peoples and to forever eschew every form of discrimination in their lives and careers.”

4.4.1.5 Study of women's history is required

Illinois Comprehensive Statutes 105 § 5/27-20.5 requires every public elementary school and high school to include a unit of instruction in its curriculum about the "history of women in America." This is required to include not only the contributions of individual women "in the economic, cultural, and political development of Illinois and the United States" but also the suffrage movement and "women's struggles...to be treated equally as they strive to earn and occupy positions of merit in our society."

4.4.1.6 Disability history required to be taught

Illinois Comprehensive Statute 105 § 5/27-23.8 (a) requires that school districts "provide instruction on disability history, people with disabilities, and the disability rights movement." The school district is free to choose which courses it wishes to add this instruction to, and thus the level(s) at which it is taught. The statute adds that the "instruction must be founded on the principle that all students, including students with disabilities, have the right to exercise self-determination."

Illinois Comprehensive Statute 105 § 5/27-23.8 (d) states that "the regional superintendent of schools shall monitor a school district's compliance with this Section's curricular requirement during his or her annual compliance visit."

4.4.1.7 Irish Famine may be included in the curriculum

Illinois Comprehensive Statute 105 § 5/27-20.6 permits "a unit of instruction studying the causes and effects of mass starvation in mid-19th century Ireland." The stated intent of the instruction is to be a "reaffirmation of free people of all nations to eradicate the causes of famine that exist in the modern world."

4.4.1.8 Special cultural commemorative days

4.4.1.8.1 Leif Ericson Day

Illinois Comprehensive Statutes 105 § 5/27-19 designates “October 9, if a school day, otherwise the school day nearest such date” to be “Leif Ericson Day.” Schools are authorized to devote one half hour to “instruction and appropriate exercises” relative to Leif Ericson “and the principles and ideas he fostered.”

4.4.1.8.2 American Indian Day

Illinois Consolidated Statutes 105 § 5/27-20 designates the “fourth Friday of September” to be “American Indian Day” and states that it shall be “observed throughout the State as a day on which to hold appropriate exercises in commemoration of the American Indians.”

4.4.1.8.3 Illinois Law Week

Illinois Consolidated Statutes 105 § 5/27-20.1 states that the “first full school week in May is designated ‘Illinois Law Week’.” The public schools are authorized to “devote appropriate time, instruction, study and exercises” to discuss Illinois law topics ranging from the legislature to the local police.

4.4.1.9 Summary of Illinois findings

Illinois has perhaps the best approach to teaching the various histories of subgroups of the population by explicitly stating an intent to teach them all collectively. In doing this, in explicitly naming absolutely every ethnic group and then adding a clear intent to include any group not explicitly mentioned. The state avoids the “me too” mentality of various ethnic groups feeling left out and thus resentful of the curriculum.

Black history is mentioned twice, once in this statute and then again with its own, but the latter appears more directed to teaching about slavery and racism and may not be redundant.

The state constitution is required to be taught as part of a much larger civics curriculum and it is impossible to know the extent to which this particular document is covered amongst the larger array of better known federal ones. Notwithstanding this unknown, there is a performance requirement at both the 8th and 12th grade levels to ensure that the material is learned.

With Metro-Chicago having one of the largest population of Holocaust survivors in the country, what is notable is the inclusion of both the Armenian genocide and Stalin's systematic starvation of the Ukraine. It is even more notable in that neither Armenians nor Ukrainians are explicitly identified in the list of racial groups whose history is to be studied, i.e. those who make up the state's population, and neither incident is usually discussed in K-12 discussions of genocide.

Illinois also requires the teaching of women's and disability history, in the latter stipulating that the regional superintendent of schools will verify that the instruction is being given. There are also a variety of commemorative days.

4.4.2 Indiana

- Indiana has at least five different statutes mandating the teaching of the state's constitution in its schools.
- One of the required courses on the state constitution is a graduation requirement.
- An interdisciplinary course in the historical, political, civic, sociological, economical, and philosophical aspects of the state constitution is a high school graduation requirement and successful completion of the course a prerequisite for a diploma.

- High school US history classes required to include a study of the Holocaust.

4.4.2.1 Study of state constitution in general

Indiana Code Annotated § 20-30-5-1(a)(1) requires that in “each of grades 6 through 12, every public and nonpublic school shall provide instruction on” the state constitution, with the instruction in elementary school being part of American history and as part of the civics instruction in high school.

4.4.2.2 Interdisciplinary study of state constitution

Indiana Code Annotated § 20-30-5-2 requires every “public and nonpublic high school” to provide a course that is “not less than one year of school work” and covers the historical, political, civic, sociological, economical and philosophical aspects of the state (and federal) constitutions.

4.4.2.3 State constitution as aspect of morals instruction

Indiana Code Annotated § 20-30-5-5 (a) states that “[e]ach public school teacher and nonpublic school teacher who” teaches “grades 1 through 12 shall present the teacher’s instructions with a special emphasis on” a variety things including “respect for the...Constitution of the State of Indiana.”

4.4.2.4 State constitution as an aspect of good citizenship instruction

Indiana Code Annotated § 20-30-5-6 (b) (10), which only applies to public schools, requires that the “nature and importance” of “respecting the...Constitution of the State of Indiana” be integrated into the curriculum.

4.4.2.5 School corporation studies and state constitution

Indiana Code Annotated § 20-30-5-7 (3) (A) requires that school corporations shall include study of the state constitution in the social studies and citizen classes.

4.4.2.6 Interdisciplinary course on state constitution is a graduation requirement

Indiana Code Annotated §20-30-(2) (c) states that a “high school student may not receive a diploma unless the student has successfully completed the interdisciplinary course” mandated by § 20-30-5-2 (a).

4.4.2.7 Study of the Holocaust is required

Indiana Code Annotated § 20-30-5-7 (3) requires that the study of the Holocaust be included “each high school United States history course.”

4.4.2.8 Explicit protection of student right to quote state constitution

Indiana Code Annotated § 20-305-3 explicitly protects certain founding documents including the Constitution of the State of Indiana. Subsection (e)(1) requires “a school corporation” to allow students to use any of these documents in a "report or of the work product" and the subsequent subsection(2) explicitly states the school corporation “may not punish the student in any way, including a reduction in grade, for using” these works.

4.4.2.9 Summary of Indiana findings

Indiana is a good example of legal redundancy, there are at least five laws which, in some way, mandate the teaching of the state’s constitution. The problem is that these laws aren’t quite identical, and finding one does not lead one toward finding the rest.

The conscientious educator could thus find one of these statutes, comply with it, and think that she was in full compliance with the relevant legal mandate, only to later learn that her district wasn't in compliance with one of the other four statutes that she did not know about.

Indiana gives a very good example of why this dissertation had to be researched the way it was, why it was necessary to read each and every statute and evaluate it for relevance. Only in doing thus can there be certainty not that one has "the" law but all the ones relevant to any particular situation.

With five statutes relating to the state constitution, the Indiana statutes clearly direct the focus of state history instruction toward the study of the state constitution. As most of these statutes apply to all grades, the curriculum is found to be integrated throughout all grades and thus Indiana is coded "I" for statistical purposes.

4.4.3 Kentucky

- Statutes requiring teaching of state government repealed as part of education reform.
- Replacement statute seeks "understanding" of state government.

4.4.3.1 Statutes repealed as part of education reform

Kentucky Revised Statutes Annotated § 158.285 and Kentucky Revised Statutes Annotated § 158.286, statutes which had required the teaching of Kentucky government, were repealed as part of education reform and replaced with Kentucky Revised Statutes Annotated § 158.645, which articulates expected "capacities" of students learning.

4.4.3.2 Understanding of state government goal of K-12 education in Kentucky

Kentucky Revised Statutes Annotated. § 158.645(4) expresses the intent to have public K-12 education install an “understanding of the governmental processes as they affect the community, the state, and the nation.” For students to have an understanding of these governmental processes, they will have to be first taught what the governmental processes are and hence there is a requirement that this instruction be provided.

4.4.3.3 Summary of Kentucky findings

The fact that (a) Kentucky had two statutes mandating the teaching of state government that were repealed as part of education reform, (b) the principle of education reform is to enhance the curriculum, and (c) an understanding of the state governmental processes is one of the capacities expected of students under education reform, it is determined that the teaching about the state government continues in Kentucky schools. As only the expectation is specified in law, the level at which this instruction is provided is left to the discretion of educational authorities and thus Kentucky is coded “D” for statistical purposes.

4.4.4 Michigan

- State constitution, state history, and state history required beginning with 8th grade
- Civics course required in high school
- Civics course a requirement for high school diploma
- Pupils entering military service are exempt from civics course requirement

4.4.4.1 Instruction in state government and constitution starting in 8th grade

Michigan Comprehensive Laws Annotated § 380.1166(1) states that “[I]n all public and nonpublic schools...regular courses of instruction shall be given... in the

constitution of Michigan and in the history and present form of government of...

Michigan, and its political subdivisions.”

This curriculum is required to commence “not later than the opening of the eighth grade” except in those districts with a traditional junior high school, where “it may begin in the ninth grade.”

4.4.4.2 High school civics requirement

Michigan Comprehensive Laws Annotated § 380.1166 (2) states that “a high school...which offers 12 grades shall require” a civics course which includes the “form and functions” of the state and local governments and “stresses the rights and responsibilities of citizens.”

4.4.4.3 High school civics course required for graduation

Michigan Comprehensive Laws Annotated § 380.1166 (2) states that a “diploma shall not be issued by a high school to a student who has not successfully completed” the high school civics course.

4.4.4.4 Military service exemption to requirement

Michigan Comprehensive Laws Annotated § 380.1166(2) also states that the “requirement shall not be applicable to a high school student who has enlisted or been inducted into military service.”

4.4.4.5 Summary of Michigan findings

Michigan has two relevant requirements. The first is a general instruction in the state constitution and government which is offered at both the middle and high school levels, beginning in the eighth grade. The second is a civics course oriented toward

teaching the rights and responsibilities of citizens and it is required for the receipt of a high school diploma except in those cases where the pupil has entered military service.

4.4.5 Ohio

- State history as well as state and local government is required to be in the curriculum at all levels from K to 12
- State history/government curriculum is required to include a “balanced presentation of all ethnic and racial groups in Ohio and the United States” including “men and women of African, Mexican, Puerto Rican, and American Indian descent”
- State constitution is required to be a component of an American history and government course which is required for high school graduation
- Basic instruction required to be completed first

4.4.5.1 State history, state and local government required in curriculum at all levels

Ohio Revised Code Annotated § 3316.60 (a) (2) requires the local school authorities to prescribe a curriculum which includes “[t]he history of ...Ohio, and national, state and local government in the states, including a balanced presentation of relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio in the United States.”

4.4.5.2 Study of state constitution required for high school graduation

Ohio Revised Code Annotated § 3316.60 (c) requires that the study the Ohio constitution be included in one unit American history and government course which this subsection also mandates to be a requirement for high school graduation.

4.4.5.3 Basic instruction is required to be completed first

Ohio Revised Code Annotated § 3316.60(d) requires that “basic instruction” in subjects including the government the state of Ohio, “local governmental in Ohio, and the

Constitution of the State of Ohio” shall be required before the pupils may participated in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism and communism.

4.4.5.4 Population subset history requirements

Ohio Revised Code Annotated § 3316.60 (a) (2) requires that the curriculum include “a balanced presentation of relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio in the United States.”

4.4.5.5 Summary of Ohio findings

Ohio has two relevant mandates. First, state history and government is required at all levels of the curriculum, and it is required to include a “balanced presentation” of traditionally overlooked groups as well as other racial and ethnic groups both in the state and in the country as a whole. Second, high schools are required to teach a course on American history and government which is required to include a study of the state constitution.

The high school American history and government course is required to be a requirement for high school graduation.

4.4.6 Pennsylvania

- State history and state civics required at elementary level
- State Constitutional rights taught at all grade levels
- History of free public schools in Pennsylvania observed and studied
- State cultural/ethnic heroes commemorated with designated days

4.4.6.1 State history required in all elementary schools

Pennsylvania Statutes 24 § 15-5011 requires “every public and private elementary school” to teach the “history of ... Pennsylvania” and state civics. The latter is referenced with an addendum that it should include “loyalty to the State and National Government.”

4.4.6.2 State constitution taught during “Bill of Rights Week”

Pennsylvania Statutes 24 § 15-1545 establishes a *Bill of Rights Week* with the state’s department of public instruction mandated to “prescribe a course of exercises to instill in the minds of pupils the purpose, meaning and importance of the *Bill of Rights* [provision] of ... the ... Pennsylvania Constitution.” This law applies to all schools and “shall be in addition to the “prescribed courses of study in such schools.” The department of public instruction is required to designate this week each year.

4.4.6.3 Commemorative days to recognize historical figures of statewide note

4.4.6.3.1 Francis Willard Day

Pennsylvania Statutes 24 §15-1542 designates “September twenty-eighth, or the school day nearest such day” as “Francis Willard Day” with each school permitted, but not required to set aside a portion of this day “for instruction in the life of, and principles advocated by Francis Willard.

4.4.6.3.2 William Penn Day

Pennsylvania Statutes 24 §15-1543 states that pursuant to proclamations of the governor calling for the observance of the birthday of William Penn, “appropriate exercises with respect to the life of William Penn, the Founder and Proprietor and

Governor of Pennsylvania and the principles advocated by him in founding Pennsylvania shall be held in the public schools...”

4.4.6.3.3 Free School Day

Pennsylvania Statutes 24 § 15-1544 establishes *Free School Day* to commemorate “the development of free public schools in Pennsylvania” with “appropriate exercises” and “special study concerning” the “founding and development of free public schools” in Pennsylvania being held. The governor is to proclaim the day each year, and is required to have it be “between the dates of April first and April eleventh, both dates inclusive.”

This day is also designated as honoring former Governor George Wolf, former State Senator Samuel Brack, and Thaddeus Stevens, a former member of the legislature.

4.4.6.4 Summary of Pennsylvania findings

Pennsylvania requires state history and state civics to be taught in all public and private elementary schools. A uniform statewide “course of exercises” relative to the state constitution’s bill of rights is “carried out” in all schools each year during an officially-designated week.

The history of free public schooling in Pennsylvania is required to be commemorated and studied in all schools on a day designated by the governor, as is the life of William Penn. Other significant figures in the state’s history are also commemorated.

While the commemorations and special events apply to all schools at all levels, the only actual ongoing curriculum requirement is that of the state history and civics, with this being taught in the elementary schools. Thus while Pennsylvania is found to have a variety of occasional curricula that is required to be taught at all grade levels, the

only relevant ongoing curriculum is taught at the elementary school and therefore the state is coded “E” for statistical purposes.

4.4.7 Tennessee

- Requirement to teach state constitution in high school
- Black history “should” be taught at locally determined level(s)
- Goal of curriculum to include all social, ethnic, gender and national groups
- “Multicultural diversity” to be included in curriculum frameworks K-12
- American sign language may be taught to preserve deaf culture and heritage
- State historical documents may be used in class notwithstanding deity references contained therein.

4.4.7.1 State constitution required to be taught at high school level

Tennessee Code Annotated § 49-6-1203(b)(1) states that it is "the duty of the state board of education and all local boards of education to cause to be taught in each public high school in this state the Constitution of Tennessee."

4.4.7.2 Black history “should” be included

Tennessee Code Annotated § 49-6-1006 (a) states that the course of instruction “should include, at some appropriate grade level or levels” determined by the local board of education, “courses and content designed to educate children in black history and culture and the contribution of black people to the history and development of this country and the world.”

4.4.7.3 Inclusive curriculum required

Tennessee Code Annotated § 49-6-1006 (a) states that “curriculum shall include the history, heritage, culture, experiences and ultimate destiny of all social, ethnic, gender and national groups and individuals, and that such are represented as interdependent, interactive and complementary.

The statute goes on to state that the “state board of education shall include multicultural diversity when developing frameworks and curricula to be taught at appropriate grade levels kindergarten through grade twelve (K-12).”

Tennessee Code Annotated § 49-6-1006 (c) states that the “study materials used in the course of instruction authorized by this section shall follow the state board of education’s guidelines concerning pornography.”

4.4.7.4 American Sign Language may be taught

Stating that “American sign language is recognized and adopted as the official and native sign language of the deaf in the state,” Tennessee Code Annotated §, 49-6-1009 (b) (3) states a legislative intent to “preserve the culture and heritage of American sign language” with §49-6-1009 (b) (4) a consequential intent to “[e]ncourage Tennessee schools to offer courses in American Sign Language and to accept these courses as satisfying foreign language requirements.

4.4.7.5 Censorship of historical documents prohibited

Tennessee Code Annotated § 49-6-11 states that notwithstanding any religious references contained therein, no teacher or administrator may be prohibited from either posting or using in instruction certain historical documents including the state constitution, writings of the state’s historical figures and state supreme court, and acts of the state legislature. The statute also states that there “shall be no content-based censorship of ... Tennessee history or heritage based on” religious references contained therein.

4.4.7.6 Summary of Tennessee Findings

Tennessee's most clear mandate is that the state constitution be taught at the high school level. The other laws tend to reflect upon what should be included into the curriculum rather than explicitly what should be taught. Even in the case of Black history, it is a case of "should be included" and not one of "must teach." Accordingly, the State of Tennessee is found to have a mandate for an explicit curriculum at the high school level and this is coded "H" for statistical purposes.

4.4.8 West Virginia

- Year of state history required prior to the completion of the 8th grade
- Study of state government required prior to completion of 12th grade
- Disability history and disability rights required to be taught
- Hunter safety training may be offered as aspect of state's history
- School employees not teaching required courses can be both fired and banned from being rehired to any other similar position for one year.

4.4.8.1 Year of state history required prior to completion of 8th grade

West Virginia Code Annotated § 18-2-9 requires that "all public, private, parochial and denominational schools" give "prior to the completion of the eighth grade at least one year of instruction" in state history.

4.4.8.2 State government course required prior to the completion of the 12th grade

West Virginia Code Annotated § 18-2-9 also requires "regular courses in instruction by the completion of the twelfth grade" in the "government of the State of West Virginia."

4.4.8.3 Disability history week

With a legislative finding that almost 24% of the state's population is disabled, West Virginia Code Annotated § 18-10O establishes "Disability History Week" where "each public school shall provide instruction on disability history, people with disabilities, and the disability rights movement."

4.4.8.4 Hunter Safety Training

West Virginia Code Annotated § 18-2-8a states the legislative finding that "[f]irearms and hunting are important parts of West Virginia's history." Accordingly, hunter safety training "may be offered to students in any of grade levels sixth through twelfth grades."

4.4.8.5 Penalties for not teaching required curriculum

West Virginia Code Annotated § 18-2-9 (c) states that "[a]ny person violating" this statute, i.e. failing to teach either the middle school state history curriculum or the high school state government curriculum shall be guilty of a misdemeanor for which there shall be a fine of not more than \$10 for each violation, with each week that the violation continues considered a separate offense. The statute goes on to state that if the person found guilty of violating the statute is employed in a public school, "that person shall automatically be removed from that position and shall not be eligible for reappointment to that or a similar position for the period of one year."

4.4.8.6 Summary of West Virginia findings

West Virginia requires a year of state history at the middle school level and a year of a multidimensional civics course at the high school level with the latter including a

study of the state government. There is a \$10 fine for “any person” who violates the statute, arguably that would include not only the teacher failing to meet an assigned duty to do so, but all of the persons responsible for supervising said teacher. While not a felony, a misdemeanor is a criminal offense for which one is often arrested, and at one point in history, \$10 was quite a bit of money.

More attention getting, however, is the provision where if the person is employed by a public school, the individual is immediately unemployed, presumably unable to collect unemployment because of the misconduct, and unable to gain employment in the individual’s professional field for one year. While only temporary, this isn’t all that far from a teaching or administrative certificate being revoked, the loss of a professional license not unlike that of a doctor or lawyer. It is a topic of future research to determine the extent to which this statute is enforced, but it would appear that this state history requirement has teeth.

The disability history also deserves special note. At first glance, it is rather shocking to realize that nearly one in four people in West Virginia are disabled, but this is both Appalachia and a coal mining area, the statistic is most likely correct. In such circumstances, disability history goes from being that of a distinct population subset to being the history of the state itself, not unlike Acadian history existing as an aspect of the history of the State of Louisiana.

The state history requirement in West Virginia is mixed across the middle and high school level and the state is thus coded “X” for statistical purposes.

4.4.9 Wisconsin

- State history requirements are incorporated throughout K-12

- State laws, constitution, and government taught as part of civics instruction
- Special observance days for local heroes and significant local events

4.4.9.1 State history required to be taught

Wisconsin Statutes Annotated § 118.01(c) (6) requires each school board to provide an instructional program that provides a knowledge of state history.

4.4.9.2 State and local government required to be taught

Wisconsin Statutes Annotated § 118.01 (c) (2) requires each local school board to provide an instructional program in the state constitution and in state laws.

4.4.9.3 State government required to be taught

Wisconsin Statutes Annotated § 118.01 (c) (1) requires each local school board to provide an instructional program in state government.

4.4.9.4 Human relations understanding mandated

Wisconsin Statutes Annotated § 118 (c) (8) states that “[a]t all grade levels, an understanding of human relations, particularly with regard to American Indians, Black Americans and Hispanics” be provided.

4.4.9.5 Special commemorative days

4.4.9.5.1 Dr. Martin Luther King, Jr. Day

Wisconsin Statutes Annotated § 118.02 (1) designates January 15th as Dr. Martin Luther King, Jr. Day.

4.4.9.5.2 Susan B. Anthony's Birthday

Wisconsin Statutes Annotated § 118.02 (3) designates February 15th as Susan B. Anthony's birthday.

4.4.9.5.3 Casimir Pulaski Day

Wisconsin Statutes Annotated § 118.02 (5) designates March 4th as Casimir Pulaski Day.

4.4.9.5.4 Irish "Great Hunger" day

Wisconsin Statutes Annotated § 118.02 (5m) designates March 17th for the "Great Hunger" in Ireland from 1845 to 1850.

4.4.9.5.5 American Creed Day

Wisconsin Statutes Annotated § 118.02 (6) designates April 13th for American Creed Day.

4.4.9.5.6 Mildred Fish Harnack Day

Wisconsin Statutes Annotated § 118.02 (8) designates September 16th as Mildred Fish Harnack Day.

4.4.9.5.7 Frances Willard Day

Wisconsin Statutes Annotated § 118.02 (10) designates September 28th as Frances Willard Day.

4.4.9.5.7 Leif Ericson Day

Wisconsin Statutes Annotated § 118.02 (11) designates October 9th as Leif Erikson Day.

4.4.9.5.8 Christopher Columbus' birthday

Wisconsin Statutes Annotated § 118.02 (12) designates October 12th as Christopher Columbus' birthday.

4.4.9.5.9 Wisconsin Day

Wisconsin Statutes Annotated § 118.02 (14) designates the Wednesday of the 3rd week in September, part of "Wonderful Wisconsin Week", to be Wisconsin Day.

4.4.9.5.10 Robert M. La Follette, Sr. Day

Wisconsin Statutes Annotated § 118.02 (15) designates June 14th to be Robert M. La Follette, Sr. Day, if school is held.

4.4.9.7 Summary of Wisconsin findings

Wisconsin's requirements are notably incorporated throughout all of K-12. The state requires the teaching of its history, constitution, laws and government. The state also has numerous special commemoration days to recognize significant figures in the state's past. Wisconsin appears to address the issue of population subset histories via a mandate for cultural understanding including a special understanding of specifically enumerated groups.

Wisconsin's requirements are incorporated across all grade levels and thus the state is coded "I" for statistical purposes.

4.4.10 Summary of the Midwest States

This is the largest and in some ways, the most diverse of all the regions. These are the states that were the initial frontier of a newly formed nation – they share that in common while they also exhibit a great diversity. There are, for example, the "Bible Belt"

states of Tennessee, Kentucky, and possibly West Virginia. This is contrasted with states like Wisconsin and Michigan, home to cities such as Madison, Milwaukee, Dearborn, and Detroit – all far cries from the hollows of West Virginia or the blue Mountains of Tennessee.

Notwithstanding this, there is still a great deal of similarity amongst the states. Five (Illinois, Pennsylvania, Michigan, Ohio, and Tennessee) explicitly define US history to include state history and a sixth, West Virginia, requires a teaching of state history as state history. This means that two thirds of the states in this region have an actual state history qua state history requirement. Ohio goes so far as to also require the teaching of state geography.

The second interesting thing found in this region was requirement to teach the state's constitution. Illinois, Indiana, Michigan, Ohio, Pennsylvania, and Tennessee all require the teaching of the state's constitution, Indiana having no fewer than five different statutes ordering this be done. Along similar lines both Indiana and Wisconsin attempt to develop a respect for the state constitution as part of their morals instruction. with Pennsylvania teaching state constitutional rights.

Both Indiana and Illinois require the study the Holocaust; Illinois and Tennessee require the teaching of black history, Illinois also requires the teaching of women's history. Ohio requires that its students learn state history before discussing global issues. And Illinois, Pennsylvania and Wisconsin designate special days to commemorate state and/or cultural heroes, Wisconsin also stressing human relations with enumerated minority communities..

4.5 The Great Plains states

The Great Plains states consist of Arkansas, Iowa, Minnesota, Nebraska, North Dakota, Oklahoma and South Dakota.

4.5.1 Arkansas

- State history required to be taught at elementary school level
- State history required to be taught at middle or high school level
- Black history required to be taught in all grades
- State flag required to be displayed
- Commemorations for Washington and Lee

4.5.1.1 State history required

Arkansas Code § 6-16-124 requires that Arkansas history be taught in the elementary school and then again in either the middle or high school grades.

4.5.1.2 Black history required

Arkansas Code § 6-16-121 requires that African American history be fully integrated into the curriculum at all grade levels.

4.5.1.3 State flag required to be displayed

Arkansas Code § 6-16-106 requires that every public school display the state flag.

4.5.1.4 Birthdays of George Washington and Robert E Lee observed

Arkansas Code § 6-16-107 requires the schools to observe the birthdays of George Washington and Robert E Lee with patriotic observances and appropriate exercises.

4.5.1.5 Summary of Arkansas requirements

Arkansas has a requirement that state history be taught first in the elementary grades and then again in either the middle or high school grades. Accordingly, the state is found to have a requirement mixed across two grades with the state thus coded “X” for statistical purposes.

4.5.2 Iowa

Iowa was found to have no relevant laws.

4.5.3 Minnesota

- Indian history required to be included in academic standards

4.5.3.1 Native American History

Minnesota Statutes Annotated 120B.021 requires that the “contributions of Minnesota American Indian tribes and communities” be included in the academic standards.

4.5.3.2 Summary of Minnesota Requirements

Minnesota was found to have no state history requirements except one that the contributions of the state’s Native American tribes be included in the academic standards.

4.5.4 Missouri

- Study of state constitution required
- Study of state and local government required

4.5.4.1 Study of state constitution & state government required middle/high school

Missouri Annotated Statutes §170.011 (1) requires a regular courses of instruction in the state constitution and state/local government which must begin no later than the seventh grade and to continue through high school.

4.5.4.2 Knowledge of state constitution required for high school graduation

Missouri Annotated Statutes §170.011 (3) states that no pupil shall receive a certificate of graduation from any public or private school “unless he has satisfactorily passed an examination” which includes the “provisions and principles” of the state constitution.

4.5.4.3 Summary of Missouri findings

Missouri is found to have a requirement that the state constitution and state government be taught at the middle and high school level. The state is thus found to have a requirement mixed across two levels, and is coded “X” for statistical purposes.

4.5.5 Nebraska

- Multicultural education required at all levels
- State fire day observed

4.5.5.1 Multicultural education required

Nebraska Revised Statutes § 79-719 defines “multicultural education” as including the “culture, history and contributions of African Americans, Hispanic Americans, Native Americans and Asian Americans.” Nebraska Revised Statutes § 79-720 (1) requires that multicultural education incorporated into the curriculum and be integrated throughout all grades.

4.5.5.2 State Fire Day observed

Nebraska Revised Statutes § 79-705 designates that the “Friday before Fire Recognition Day” shall be designated as “State Fire Day” with appropriate exercises conducted in all schools.

4.5.5.3 Summary of Nebraska requirements

Nebraska has a requirement that the histories and culture of specified groups be taught at all levels and thus the state is coded “I” for statistical purposes.

4.5.6 North Dakota

- State history, geography and agricultural studies required in fourth & eighth grades
- Same curriculum required to be offered at high school level

4.5.6.1 North Dakota studies required in fourth and eighth grades

North Dakota Century Code § 15.1.21-01.3.e requires that “North Dakota studies, with an emphasis on the geography, history and agriculture of this state” be taught in the “fourth and eighth grades.”

4.5.6.2 High schools required to offer North Dakota studies

North Dakota Century Code § 15.1-21-02.2 requires each high school to make available to each student at least one half unit of North Dakota studies at least once every other year.

4.5.6.3 Summary of North Dakota requirements

North Dakota has a “North Dakota studies” curriculum which is required to be offered in both the elementary and middle school grades. It then is offered as an elective

at the high school level. Accordingly the curriculum is found to be integrated across all three levels with the state thus coded “I” for statistical purposes.

4.5.7 Oklahoma

Oklahoma was found to have no relevant laws.

4.5.8 South Dakota

South Dakota was found to have no relevant laws.

4.5.9 Summary of the Great Plains States

Requirements for the teaching of state history in this region were found to be sparse. Only three states have much of a requirement, with three states found to have absolutely nothing of relevance. The states in this region do require the teaching of US history which may include some aspect of state history, but the fact remains that it is not a statutory mandate.

4.6 The Southwestern states

The arid Southwest region consists of the states of Arizona, New Mexico and Texas – all border Mexico and have significant historical and cultural ties to that country.

4.6.1 Arizona

- The history of the state is required to be taught on all levels.
- State history is required to include Native American history.
- The state constitution is required to be taught on all levels.
- The posting of the preamble to the states constitution is explicitly permitted.

4.6.1.1 State history and constitution required to be taught

Arizona Revised Statutes Annotated § 15-710 requires all schools to give instruction in “the essentials, sources and history” of the state constitution, and the history of the state, with the latter including the history of “native americans [sic] in Arizona.” At least one year of instruction in the “common school grades” and another in high school is required.

4.6.1.2 Native American history must be incorporated into curriculum

Arizona Revised Statutes Annotated . § 15-341(A) (34) states that the local school boards shall “[i]ncorporate instruction on Native American history into existing curriculum.”

4.6.1.3 Teachers and administrators may post state constitution

Arizona Revised Statutes Annotated § 15-717 protects the right of a teacher or administrator to either post or read a variety of historical documents including the preamble to the state’s constitution.

4.6.1.4 Summary of Arizona findings

Arizona requires at least two years of instruction in the state’s history and constitution. It requires that Native American history be a component of this instruction. The requirement is split between “the common grades” and high school; as “the common grades” are a combination of the elementary and middle grades, and as the requirement will be met in just one of those grades, this requirement is either mixed between the elementary and high school levels or it is mixed between the middle school and high school levels. Accordingly, Arizona is coded “X” for statistical purposes.

4.6.2 Texas

- Required Social Studies Curriculum must include Texas history.
- Texas history must be included in both regular and reading curriculum
- Texas history must be included in any textbook selected for adoption
- Every school required to fly the state flag and to pledge allegiance to it
- Special commemorative events are observed in the schools

4.6.2.1 State history required

Texas Educational Code Annotated § 28.002 (a) (1) (D) requires every school district offering classes K-12 to have a social studies curriculum that includes Texas history.

Texas Educational Code Annotated § 28.002(h) requires Texas history to be taught in regular subject matter, in reading courses as well as to be included in any adopted textbook.

4.6.2.2 Texas flag required to be flown

Texas Educational Code Annotated § 1.003 requires every school to fly the Texas flag.

4.6.2.3 Daily pledge of allegiance to state flag required

Texas Educational Code Annotated § 25.082(2)(b)(2) requires a daily pledge allegiance to the state flag.

4.6.2.4 Special commemorative events

4.6.2.4.1 Celebrate freedom week

Texas Educational Code Annotated § 29.907 establishes the week “in which November 11th falls” as being “Celebrate Freedom Week.” The statute goes on to state

that the state agencies may “voluntarily participate” but that they do not have the authority to develop instructional programming without a specific authorization of funding for the legislature.

4.6.2.4.2 Sam Rayburn Day

Tex. Gov’t. Code Ann. § 662.041 designates January 6 as “Sam Rayburn Day” with a requirement that it “shall be regularly observed by appropriate programs in the public schools.”

4.6.2.4.3 Father of Texas Day

Texas Government Code Annotated § 662.045 designates November 3rd as “Father of Texas Day in memory of Stephen F. Austin, the great pioneer patriot and real and true father of Texas.” The statute goes on to require that this day “shall be regularly observed by appropriate and patriotic programs in the public schools and other places to properly commemorate the birthday of Stephen F. Austin and to inspire a greater love for this beloved state.”

4.6.2.4.4 State of Texas Anniversary Remembrance Day

Texas Government Code Annotated § 662.047 designates February 19th as “State of Texas Anniversary Remembrance Day in honor of Texas joining the Union and the day that James Pinckney Henderson became the first governor of the State of Texas in 1846.” The statute continues by stipulating that this day “shall be regularly observed by appropriate and patriotic programs in public schools.”

4.6.2.4.5 Texas Independence Day

Texas Government Code Annotated § 662.048 designates March 2nd, which it describes as *Texas Independence Day* as also being *Texas Flag Day*, although no mention is made of any required observance in the schools.

4.6.2.4.6 Buffalo Soldiers Heritage Month

Texas Government Code Annotated § 662.101 designates the month of July as being *Buffalo Soldiers Heritage Month* in honor of “Texas’ Buffalo Soldiers” with the mandate that it be “regularly observed by appropriate ceremonies and activities.”

4.6.2.4.7 Texas History Month

Texas Government Code Annotated § 662. 102 designates the month of March as being “Texas History Month” and requires that it “be readily observed by appropriate celebrations activities in public schools.”

4.6.2.4.8 Women’s Independence Day

Texas Government Code Annotated § 662.051 designates August 26th, as “Women’s Independence Day” to “commemorate the ratification in 1920 of the Nineteenth Amendment to the United States Constitution, which guaranteed woman the right to vote.” The statute continues by stating that this day “shall be regularly observed by appropriate programs in the public schools.”

4.6.2.4.9 Dr. Hector P. Garcia Day

Texas Governmental Code Annotated § 662. 055 designates the third Wednesday of September as *Dr. Hector P. Garcia Day* and goes on to state that this day “may be readily observed by appropriate ceremonies and activities in public schools.”

4.6.2.5 Summary of Texas findings

Texas history is fully integrated throughout the entire curriculum, K-12. The state goes even further and requires that it also be integrated into the regular subject matter including the reading curriculum – something possible because Texas not only is a state that purchases textbooks on a statewide basis but with the economic malaise currently affecting California, probably the largest K-12 textbook market in the country.

A topic for future research would be the secondary impact of the requirement that state history be incorporated into the reading curriculum relative to its impact on motivating at-risk learners to read. In other words, are middle and high school students, particularly boys, more or less willing to read assigned literature because of this requirement?

Texas also requires a daily salute to the state flag and has a variety of commemorative events, many of which are relative to its state history. As state history is fully integrated into all grade levels, the state is coded “I” for statistical purposes.

4.6.3 New Mexico

- State history is required in the curriculum from 4th through 8th grade.
- State History required as high school graduation requirement.
- Demonstration of state constitution is a high school graduation requirement.
- State flag must be displayed in each classroom.
- Local districts may post historical codes in the classroom.

4.6.3.1 State history required Grades 4-8

New Mexico Statutes Annotated § 22 -13-1(D)(9) requires that New Mexico history be included in the curriculum “[i]n fourth through eighth grades.”

4.6.3.2 High School study of state history is graduation requirement

New Mexico Statutes Annotated 22 -13-1.1(F)(7) establishes one half unit of New Mexico history as a graduation requirement. New Mexico Statutes Annotated § 22 -13-1.1(I)(4) establishes a similar requirement for those students seeking to earn a New Mexico “Diploma of Excellence.”

4.6.3.2 State constitution part of high school graduation examination

New Mexico Statutes Annotated 22 -13-1.1(L) establishes the demonstration of an understanding of the New Mexico Constitution as a component of the standards based assessment required for receipt of a high school diploma.

4.6.3.3 State flag must be displayed

New Mexico Statues Annotated § 22-2-9 requires that the New Mexico state flag be displayed “in each classroom and on or within all public buildings.”

4.6.3.4 Summary of New Mexico findings

New Mexico integrates the study of state history in all three grade levels with a requirement that it be taught in grades 4-8 and then again in high school. Knowledge of the state constitution is an aspect of the standards based assessment required for a high school diploma. It would thus appear that the state constitution is taught as part of the state history component of the high school social studies curriculum.

As the requirement that it be taught in the 4th through 8th grade covers both the elementary and middle school grades as defined for the purposes of this research, that and the subsequent requirement to teach the subject again in high school means that it is

integrated throughout all three grade levels. Accordingly, the state is coded “I” for statistical purposes.

4.6.4 Summary of the Southwestern States

All three states explicitly require the teaching of the state’s history in its schools. All of them require it on more than one grade level, the extent ranges from Arizona teaching it on two different grade levels to Texas which takes it beyond just the entirety of the social studies curriculum and integrates it into everything else.

Hence in Texas the Algebra text and possibly even the auto shop manuals could likely have an aspect of Texas history in them, and with the economic incentive that Texas offers with its sizable textbook purchasing budget, something that publishers have a very strong incentive to include in their offerings.

Texas also deserves particular note for having at least seventeen different commemorations, not all of which are relevant to state history and thus are not listed above. Five of them are a full month long, with an additional two each a week long. A question for future research would be the optimum maximum number of such events, there probably is a point at which there are so many commemorations that the schools would be either forced to either focus on them rather than instruction, or to take a largely pro-forma approach to these designated dates and the legislative mandate for “appropriate celebrations and activities” in the schools.

Arizona, Texas and New Mexico are states with a lot of similarities. Texas, once an independent country, has an attitude towards its history that is nationally known. A research question unanswerable from a review of statutes is if the Texas approach of

integrating state history (and culture) into the curriculum as a whole helps or harms learning outcome.

4.7 The Interior West states

The Interior West States consist of Colorado, Idaho, Kansas, Montana, Nevada, Utah and Wyoming.

4.7.1 Colorado

- State history and government required at all grade levels
- Minority history required at all grade levels
- High school graduation requirement of successful course completion

4.7.1.1 State history and government required to be taught

Colorado Revised Statutes Annotated § 22-1-104 (1) requires that the “history and civil government of the state of Colorado” be taught in “all the public schools” of the state.

4.7.1.2 History, culture and contributions of minorities required to be taught

Colorado Revised Statutes Annotated § 22-1-104 (2) requires that the history, culture and contributions of “the American Indians, the Hispanic Americans, and the African Americans” be taught in all public schools.

4.7.1.3 High school graduation requirement

Colorado Revised Statutes Annotated § 22-1-104 (3) (a) states that the successful completion of a course involving the two above items is a high school graduation requirement.

4.7.1.4 Summary of Colorado findings

Colorado is found to have a state history requirement which is integrated across all grade levels, as well as a racial history requirement that is also integrated across all grade levels. The State is also found to have a requirement that the successful completion of a high school course in these two subjects is a high school graduation requirement. Notwithstanding this, the statutes clearly indicate that the curriculum is to be integrated across all grade levels and thus the state is coded “I” for statistical purposes.

4.7.2 Idaho

Idaho was found to have no relevant statutes.

4.7.3 Kansas

- Course in state history and government required for high school graduation

4.7.3.1 State history and government required as high school graduation requirement

Kansas Statutes Annotated § 72-1117 states that the state board of education shall provide for a course in state history and state government with the course required for all students graduating from an accredited high school.

4.7.3.2 Summary of Kansas requirements

Kansas is found to require a high school course in state history and government as a high school graduation requirement. The state is thus found to have a requirement at the high school level and is coded “H” for statistical purposes.

4.7.4 Montana

The state of Montana is found to have no relevant statutes.

4.7.5 Nevada

- State history required to be taught for at least one year
- State constitution required to be taught for year in elementary grades
- State constitution required to be taught for year in high school grades

4.7.5.1 State history required to be taught for one year

Nevada Revised Statutes Annotated § 389.030 (2) requires that Nevada history and the state constitution be taught for at least one year in the public schools of the state.

4.7.5.2 State constitution must be taught twice

Nevada Revised Statutes Annotated § 389.020 (2) requires that the state constitution be taught twice, for one year in the elementary school grades and for one year in all high schools.

4.7.5.3 Summary of Nevada findings

While the requirement that the state's history is apparently left to the discretion of the state's authorities, the requirement to teach the state's constitution is mandated to be at the elementary and high school grades. That requirement is found to be mixed between those two levels, with the state thus coded "X" for statistical purposes.

4.7.6 Utah

- State history required to be taught
- State constitution required to be taught

4.7.6.1 State history required to be taught

Utah Code Annotated § 53A-13-109 (3) (c) requires that state history, including territorial and preterritorial history, be taught.

4.7.6.2 State constitution required to be taught

Utah Code Annotated § 53A-13-109 (3) (b) requires that “respect for and an understanding of” the state constitution be taught.

4.7.6.3 Summary of Utah findings

Utah is found to have two requirements which it leaves to the discretion of the educational authorities to determine the level at which they are taught. Accordingly the state is coded “D” for statistical purposes.

4.7.7 Wyoming

- Instruction in state constitution required at both K-8 and high school levels
- Satisfactorily passing examination on state constitution prerequisite to graduation

4.7.7.1 Instruction in state constitution required

Wyoming Educational Statute § 21-9-102 requires that instruction in the state constitution be given for at least three years in “kindergarten through grade eight” and for one year in the secondary grades.

4.7.7.2 High school graduation requirement

Wyoming Educational statute § 21-9-102 states that “no student shall receive a high school diploma ... without satisfactorily passing an examination” on the state constitution.

4.7.7.3 Summary of Wyoming findings

Wyoming requires the instruction in the state constitution for three years, two of which are distributed amongst the elementary and middle grades, with the third in the high school grades. While it would be more evident were the state to be more clear as to

where in the K-8 range it wished to have these two years of instruction appear, if they are consecutive, it is statistically likely that they will both be either in the elementary grades or middle school grades.

Accordingly, this requirement is found to be mixed between either the elementary school grades or the middle school grades and the high school grades. Accordingly, the state is coded “X” for statistical purposes.

4.7.8 Summary of the Interior West states

The region is mixed. Four states requiring the teaching of the state’s history, three require the teaching of the state’s constitution, two require the teaching of its government, and two have no requirements at all.

4.8 The Pacific Coast states

The Pacific Coast States consist of Alaska, Hawaii, Oregon and Washington. California was initially included in this region, but a decision was made to move it to its own area when the extent of both its education laws and those relating to state history became apparent. (The California educational code consists of 21 bound books.)

4.8.1 Alaska

- State flag required to be displayed

4.8.1.1 Alaska flag required to be displayed

Alaska Statutes § 14.01.130 (a) requires the state flag to be displayed upon or near every principal school building when school is in session.

4.8.2 Hawaii

Hawaii was found to have no relevant statutes.

4.8.3 Oregon

- Instruction in “Oregon Studies” required
- “Oregon Studies” required to contain “a balanced presentation” of diversity
- Study of state constitution is required
- State has commemorative days and weeks

4.8.3.1 “Oregon Studies” defined

Oregon Revised Statutes § 329.007 (7) defines “[h]istory, geography, economics and civics” to include “Oregon Studies.” Oregon Revised Statutes § 329.007 (8) then states that “Oregon Studies instruction in Oregon government shall include municipal, county tribal and state government, as well as the electoral and legislative processes.”

4.8.3.2 “Oregon Studies” then required by language definition

Oregon Revised Statutes § 329.025 (8) and Oregon Revised Statutes § 329.045 (3) then require the instruction in “history, geography, economics and civics” which thus becomes a requirement for “Oregon Studies” instruction.

4.8.3.3 Study of state constitution is required

Oregon Revised Statutes § 336.067 (a) requires the study of the state constitution in all public schools.

4.8.3.4 Unit of instruction on Irish Famine permitted

Oregon Revised Statutes § 336.116 permits but does not required every public school (K-12) to include a unit of instruction on the causes and effects of the mass starvation in mid-19th century Ireland.

4.8.3.5 Commemorative days and weeks

Oregon Revised Statutes § 336.010 (4) (b) defines February 14th as “Admission of Oregon into the Union” day which is to be observed in the public schools. Oregon Revised Statutes § 336.023 defines the week of May 2nd as “History of Oregon Statehood” week.

Oregon Revised Statutes § 336.025 defines the second week in March as “Women in History” week, with a mandate that “time be set aside for instruction and appropriate activities in commemoration of the lives, history and achievements of women in history, including Frances E Willard.”

4.8.3.3 “Oregon Studies” required to contain balanced diverse presentation

Oregon Revised Statutes § 329.492 (1) requires that the curriculum of “Oregon Studies” contain “a balanced presentation of the relevant contributions to society by men and women of African-American, Hispanic, Native American, Asian-American and other racial groups in Oregon.”

4.8.3.4 Summary of Oregon Findings

Oregon takes the explicit position of defining certain aspects of the social studies curriculum to include “Oregon Studies” which then enables this state history curriculum to be included whenever the larger curriculum is required. The state requires that this curriculum be a balanced presentation of men and women of various races, and also requires the study of the state constitution. All of this is integrated throughout all grade levels and thus the state is coded “I” for statistical purposes.

4.8.4 Washington

- State constitution required to be taught
- Native American content required in said course
- Waiver for students who have recently moved into state
- Recommended instruction in Holocaust
- State intent to provide instruction in circa WW-II relocation/internments

4.8.4.1 State constitution required to be taught

Revised Washington Code Annotated § 28A.230.093 (2) requires a course in the state constitution and government as a requirement for high school graduation. In addition, Revised Washington Code Annotated § 28A.230.170 states that the study of the state constitution “shall be a condition prerequisite to graduation from the public and private high schools” of the state.

4.8.4.2 American Indian peoples content required in high school course

Revised Washington Code Annotated § 28A.230.090 (1) (a) requires that “any course in Washington state history and government used to fulfill high school graduation requirements” include content on “the culture, history and governments of the American Indian peoples who were the first inhabitants of the state.”

4.8.4.3 Waiver for students who move into state

Revised Washington Code Annotated §28A.230.060 states that students in the twelfth grade who have not yet taken a course in Washington state history and government because of a previous residence outside the state may have the required course waived by their principal.

4.8.4.4 Holocaust instruction encouraged

Revised Washington Code Annotated § 28A.300.115 (1) encourages every public high school to include instruction on the Holocaust.

4.8.4.5 WW-II internment of Japanese-Americans encouraged to be addressed

Revised Washington Code Annotated § 28A.300.390 et seq. addresses the wartime relocation and internment of Japanese-American civilians and states a legislative intent to teach students about this event.

4.8.4.6 Summary of Washington findings

The State of Washington has two statutes requiring students to study the state constitution as a prerequisite to graduation from high school. One of these statutes requires additional study of the state government and the “culture, history and governments” of the state’s Native American tribes. Students who have recently moved into the state may have the course requirements waived.

As the mandated instruction is at the high school level and is a prerequisite for graduation from high school, the state is coded “H” for statistical purposes.

4.8.5 Summary of the Pacific Coast states

This region is also mixed. The three contiguous states have extensive state history requirements while Alaska has only the flag requirement and Hawaii doesn’t even have that.

4.9 California

As discussed earlier in Chapter 3, California is such a large state with such a history of influence upon American education nationwide that it was felt that it should be

viewed as a region all its own – a state so massive and so complex that it needed to be viewed as an entity all its own and not just one state within a region. Accordingly, the California region consists of just the State of California.

4.9.1 California

- State history required to be taught in all grades (1-6 and 7-12).
- California government and civics is required to be taught.
- The California constitution is required to be taught.
- Women's history is incorporated throughout the curriculum.
- Minority group history is incorporated throughout the curriculum.
- The Holocaust is required to be taught, along with other genocides.
- The WW-II era internments of Japanese-Americans and Italian-Americans are encouraged to be taught.
- Superintendents are required to “enforce the course of study.”
- History requirements extend to alternative high schools.
- An optional human relations pilot program includes ethnic history.
- Commemorative events are mandated.
- Textbooks are required to portray cultural and racial diversity.
- Teacher use of unauthorized education material is explicitly prohibited.
- Curriculum and textbooks which portray population subsets in a negative manner are prohibited.
- Students are required to be taught their rights under the state constitution has an aspect of hate crime prevention.

4.9.1.1 General curriculum requirements.

California Education Code § 51200 states that “[e]xcept as otherwise provided” its curricular requirements “are the requirements for courses of study in grades one through twelve.” California Education Code § 50 bifurcates the state's schools into elementary and secondary ones with the former consisting of grades 1-6 and the latter grades 7-12 – in cases where the law makes a distinction between different levels of education, it does so along these lines thus overlooking the middle grades in their entirety.

California Education Code § 51204.5, which applies to all grades, mandates that “[i]nstruction in the social sciences” include “the early history of California.”

California Education Code § 51210(c), which defines the social studies curriculum for grades one through six, states that [i]nstruction shall provide a foundation for understanding the history, resources, development, and government of California...”

California Education Code § 51220(b), which defines the social studies curriculum for grades 7-12, states that the [i]nstruction shall provide a foundation for understanding the history, resources, development, and government of California...[and] the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the State and Federal Constitutions....”

A 1962 opinion of the State Attorney General (39 Opinion California Attorney General, 101) stated that the required government instruction consists of California civics and not generic American civics or civics in general.

California Education Code § 201(e), a statement of legislative intent to have an educational environment free from discrimination and harassment, includes a legislative finding that “[t]here is an urgent need to teach and inform pupils in the public schools about their rights, as guaranteed by the federal and state constitutions...” as a means to both increase student awareness of their own rights and their respect the rights of others. While a statement of this sort does not mandate a specific course of instruction, it represents a very clear statement of legislative desire.

California Education Code § 1240(h) states that one of the duties of the County superintendent is to “[e]nforce the course of study.”

4.9.1.2 Population subset history requirements.

California Education Code § 51204.5, which applies to all grades, mandates that “[i]nstruction in the social sciences” include “...the role and contributions of both men and women, black Americans, American Indians, Mexicans, Asians, Pacific Island people, and other ethnic groups to the economic political and social development of California and the United States America...”

California Education Code § 51220(b) mandates that students in grades 7-12 receive instruction in “...human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, and the Holocaust, and contemporary issues.”

California Education Code § 51226.3(a) requires the state department of education to provide curriculum resources relative to “civil rights, human rights violations, genocide, slavery, and the Holocaust.” California Education Code § 51226.3(b) is an encouragement from the legislature to include “survivor, rescuer, liberator, and witness testimony into the teaching of human rights, genocide, and the Holocaust.”

California Education Code § 51008 mandate the inclusion of instruction “on Cesar Chavez and the history the farm labor movement in the United States....” This requirement is different from the requirement to teach about Dr. Martin Luther King Jr., discussed supra, in that this appears as part of the curriculum while the King mandate is an aspect of textbook incorporation.

California Education Code § 51226.3(e) mandates that “the Great Irish Famine of 1845-50” be added to the history/social science curriculum when it is next updated.

4.9.1.3 Commemorations.

California Education Code § 51009 designates the first week of April as “Labor History Week” with school districts encourage to commemorate the same.

4.9.1.4 Special Programs.

California Education Code § 280-283 involves the “Bill Bradley Human Relations Pilot Program” with California Education Code § 282(d) stating that one of the goals of the course will be to create an appreciation of “the contributions of minority groups and development of the United States.”

California Education Code § 1790-1805 establishes a network of residential alternative high schools to serve those students will either dropped out of the traditional high school or encountered other difficulties, including delinquency. California Education Code § 1801(a) requires that students attending such schools receive an average of two hours per week of instruction in “American history emphasizing American institutions and ideals, and California history.” California Education Code § 1801(c) requires that they also receive an average of one hour per week of instruction in government which must include “...the principles of state and local government under the Constitution of this state.”

4.9.1.5 Requirements as an aspect of textbook incorporation.

California Education Code § 60040(a) requires all adopted instructional materials to portray “[t]he contributions of both men and women in all types of roles, including professional, vocational, and executive roles.” California Education Code § 60040(b) requires this educational media to also include [t]he role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, European

Americans, and other members of other ethnic and cultural groups total development of California and the United States.”

California law 60200.6 requires instruction material to include “...information designed to instruct pupils on Dr. Martin Luther King, Jr., the civil rights movement, and the contributions made by ethnic minority groups the history United States.”

California Education Code § 51226.3 references a “Model Curriculum for Human Rights and Genocide” which is to be used in grades 7-12.

California Education Code § 51226.5(a) requires the establishment of a “list of textbooks and other instructional materials that highlight the contributions minorities in the development of California and the United States.” California Education Code § 51226.5(c) mandates that materials on this list be incorporated into the curriculum.

Citing a scarcity of audiovisual materials relative to the “internment of persons of Japanese origin, the Armenian genocide, and the World War II internment, relocation, and restriction of persons of Italian origin” California Education Code § 52740 encourages the manufacture of films and video recordings and further “...encourages teachers to use [them] as a resource in teaching pupils about these three important historical events are commonly overlooked in today's school curriculum.” California Education Code § 52743 requires the state department of education to provide these materials to schools.

4.9.1.6 Prohibited materials and activities.

California Education Code § 60040 outright prohibits the use of any instructional material which contains “[a]ny matter reflecting adversely upon persons because of their ... ancestry [or] sex.” Thus California not only requires the instructional materials to be

inclusive but then essentially takes the next step of the double-negative, requiring the materials to not reflect “adversely” upon any population subset.

California Education Code § 51510 goes even further and states that materials other than the textbooks may not be used in a classroom “if the material contained [therein] has been disapproved by the governing board of the school district which the school is situated”.

4.9.1.7 Summary of major findings.

California has extensive state history requirements. With both the elementary and secondary state history statute, the state essentially incorporates the curriculum throughout all grades. The state takes an inclusive look at population subgroups, mandating the teaching of women's history and the history of minority groups. The state uses its power as a major textbook purchaser to regulate the content of the textbooks, content regulations then being written so as to facilitate curriculum expectations.

California is also interesting in the extent to which its laws serve to restrict the materials which a classroom teacher may use without permission, in the extent to which its laws require the approved curriculum to be followed. It is perhaps the best example of a centrally controlled educational system where the legislature has mandated certain aspects of the curriculum and where the classroom teachers have no choice but to follow it.

4.10 SUMMARY OF FINDINGS & CONCLUSIONS

Three major trends were found in this research. First, a majority of the states require instruction about the state itself. A second trend is toward instruction relative to

the descriptive environment of the state, notably its geography and economy, and a third is toward requiring instruction relative to the histories of subsets of the state's population.

4.10.1 Requirements to teach state history, constitution and civics/government

Sixty percent (n=31) of the states require instruction in the state's history, 49% (n=25) require instruction in the state's constitution, 41% (n=21) require instruction in the state's governmental structures, and 16% (n=8) require instruction about the state flag and/or the salute to it – with numerous other states merely requiring it be displayed. Also relevant of note here is the fact that 16% (n=8) of the states require instruction in the state constitution and/or state government without explicitly requiring instruction in the history of the state. Hence 77% (n=39) of the jurisdictions – more than three out of four – have some sort of legislative mandate relative to teaching the state's history, constitution and/or governmental structure.

4.10.2 Requirements to teach state geography and economy

A second trend, indicated that that some states require instruction in topics about the state, notably its geography and economy. 12% (n=6) of the states require instruction in state geography and 4% (n=2) require instruction relative to the economy of the state. Such practices are not as common as those in the first group, but they are appearing as part of comprehensive approaches to the teaching of state history with Oregon's concept of "*Oregon Studies*" being perhaps the best example.

It also be noted that agricultural events such as state fairs arguably constitute an aspect of the economy of an agricultural state and thus laws which would either facilitate the ability of schoolchildren to attend these fairs and/or participate in them could be considered laws relative to the teaching of the state's economy. Such laws were excluded

from this research but may be worthy of consideration in future research focused on this more narrow topic.

4.10.3 Requirements to teach the histories of subsets of the state's population

A third trend is that of requiring instruction about subsets of the population, and this constitutes the study of women's history, the study of the histories of various racial/ethnic groups, and the study of historical injustices perpetrated upon various peoples. Twelve percent (n=6) of the states require the study of women's history, 39% (n=20) of the states require the study of the histories of one or more racial/ethnic group, and 22% (n=11) require the study of one or more historical injustice.

4.10.3.1 Women's history

While varying greatly, legislation relative to the teaching of women's history largely exist in three formats. The first type can largely be described as statements of legislative intent and desire and are perhaps best represented by Louisiana's *"House Concurrent Resolution No. 261"* which (discussed in Section 4.3.4.5 supra) which may or may not be binding law but which nevertheless indicated the legislative desire for the inclusion of this curriculum.

The second type of legislative approach is to either use both male and female pronouns so as to indicate the inclusion of women, or to explicitly state "men and women" as is done in Ohio law (discussed in Section 4.4.5.1 supra). Likewise, legislation of this type may resemble that of Virginia which first requires "the study of contributions...of diverse people" and then defining this to include "considerations of disability, ethnicity, race and gender" (discussed in Section 4.2.6.5 supra). This

legislative approach is clearly one of inclusion, not mandating a special study of women's history but that it also not be omitted from the larger curriculum.

The third approach is to explicitly do this – to explicitly require the study of women as a distinct entity and as illustrated by Illinois law (discussed in Section 4.4.1.5), to explicitly include references to the suffrage and equal rights movements. The Illinois law is also reflective in another manner – laws of this type often extend beyond the history of women in the particular state to national historical movements (e.g. suffrage) and thus resist the neat classification between the study of state and national history although the decision was made to define them within the context of state history.

4.10.3.2 Racial and ethnic history

Three differing approaches can also be seen in how the various states approach the teaching of racial and ethnic histories. Virginia's approach of requiring a diverse approach to the teaching of history and the histories of diverse people serves again as the best example of how a curriculum can be defined as being inclusive without being exclusive. A second approach is that of Illinois (discussed in Section 4.4.1.1) to explicitly name every ethnic group in the state, and then going further to indicate that the listing is not exclusive and that the intent is to teach the ethnic histories of absolutely everyone in the state.

The third approach, of course, is to simply require the teaching of the history of a specific ethnic group or groups. Louisiana is unique in this regard -- that state's approach is centered around the teaching of Arcadian French and Black history, including the teaching of the French and African languages. Applied elsewhere, this approach has been to mandate the teaching of the history of a defined group with African Americans,

various Hispanic subsets and Native Americans being the most common. Laws requiring instruction in Native American history range from those of Maine which require instruction in the history of specific tribal groups to those of the Pacific Northwest that require instruction in the tribal governance structures of a multitude of native groups, to more generic laws which simply stipulate the study of Native American history on a more general basis.

4.10.3.3 Requirements to teach about historical injustices

To a large extent, the laws which mandate the study of women's history and the histories of racial/ethnic groups leave a large degree of discretion to the educational community. Such is not the case in the case of the third category of laws which mandate the study of past specific injustices which were perpetrated upon a clearly definable group of people and which, unlike the shades of grey in which most of history exists, are clearly defined as wrongs being taught in hopes that no society ever does something similar ever again. The Holocaust is the most common example with 14% (n=7) of the states explicitly requiring instruction about the Holocaust, some states going further to include "other genocides" as well.

In addition to the Holocaust, other notable examples include the WW-II era detention of Americans of Japanese and German ancestry, the Irish potato famine, and an Illinois law relative to the "deportation of Mexican American US citizens during the Great Depression." It should also be noted here that there is considerable crossover between teaching about specific past injustices and teaching about groups which have been oppressed in the past, that the two topics being so co-mingled that any distinction between the two is somewhat arbitrary.

4.10.4 Range in extent of state statutory mandates

Perhaps the most striking aspect of this research is the sheer range in the extent to which states either do or do not mandate various aspects of this curriculum. While there was some similarities found within various geographic regions, significant differences were found between contiguous states with it not being uncommon for one state to have a significant number of mandates and the adjacent one to have few or none.

Maryland and Virginia are a good example of this paradox. These states are contiguous and further have sections which serve as the northern and southern suburbs of our nation's capital –they share similarities in a way that few other states do. Yet while Virginia has extensive statutory requirements, all Maryland has is an option to include the study of the state constitution along with the federally mandated study of the federal one. This point needs to be clearly made: each of these states is independent, answering only to its own people, and no two are identical.

On a national basis, the differences are striking. Even if Virginia chose to copy Massachusetts' efforts at educational reform, as former Governor George Allen claims to have done (Allen, Personal Communication, 2010), Virginia is a state that not only lacks teachers' unions but one where they are illegal – the Commonwealth of Virginia does not permit public employees to engage in collective bargaining. By contrast, the Massachusetts teachers' unions were one of the major players in the very education reform which Allen sought to model in his state.

4.10.5 Ideas relevant but need to be applied to local realities

Hence the important message to take from these findings is not that what is appropriate for one state should be arbitrarily imposed upon a different state but that

ideas and approaches shown to be of value in one state may well be applicable to others as long as one recognizes the diversity of the various states.

4.10.6 Texas and California as outliers

Mention should also be made of the extent to which the states of Texas and California are outliers, mandating a state control over the curriculum to an extent and in a manner that is not found anywhere else and thus is worthy of note.

Texas requires that all reading materials contain aspects of state history. California prohibits teachers from including any co-curricular materials that have not been approved in advance on at least a county-wide basis. In both cases, these requirements inevitably serve to dramatically restrict a teacher's ability to adapt the curriculum (and teaching) to meet the individual needs of individual students.

To the extent to which academic freedom exists in K-12, and to the extent to which teachers are considered to be professionals empowered to meet the needs of their students, both individually and collectively, these two states serve to restrict this ability. No other states come anywhere near where these states go, no other state goes beyond the social studies curriculum and imposes state history content into the "reading" curriculum as Texas does, no other state makes it illegal for a teacher to bring in supplemental curricular materials as California does. These are clear outliers in that no one else does this.

Additional research would be necessary to determine the merits and consequences of such an approach, including the extent to which these requirements may be enforced and/or outright ignored, the point being made here is that no other state goes anywhere

near this level of control over the classroom content and hence they serve as exceptions to the norm.

CHAPTER 5

RECOMMENDATIONS FOR MASSACHUSETTS, CONNECTICUT & MAINE

5.1 Current statutes lack the three-tack approach found elsewhere.

These three states lack the comprehensiveness and detail of the state history mandates found elsewhere. These states also are a good example of how the history of one state must be included in the teaching of another state's history, arguably at least some aspect of the other two state's history is necessary to fully explain the history of each of these states. And even in those cases where one of these three states has aspects of the three-tack approach, there still is not the comprehensiveness which is found elsewhere.

5.2 Recommendations in general

It is first recommended that instruction be provided on all three grade levels, and done so in a developmentally appropriate manner. This thus would consist of learning on the elementary level that was based largely on memorization skills and involved things such as the singing of songs naming the Counties of Maine. On the high school level it would involve the more age appropriate teaching of "whys" and the more developmentally appropriate conceptualization of history, with the middle school level being a combination between the two. A second aspect of the high school curriculum would be an optional series of electives, where at least two were taught with students having the choice of either one (or both if they so desired and resources permitted).

5.2.1 Recommendations for elementary school level

- Concentrate on memorization of facts – things such as state bird, tree and

counties.

- Age appropriate – songs, pageants for commemorative days, etc.
- That Revolutionary war involved the state (but not any details).
- Ethnographic/population subset history as aspect of commemorative days.
- Taught as expansion of local concept – neighborhood, community, state, nation, and world.

5.2.2 Recommendations for middle school level

- Mixture of memorization and reasoning – introduction of historical context.
- Significant aspects of Revolutionary war occurring in state.
- Introduction of ethnographic history of all the state's population subgroups.
- Teaching of state history, state government and state constitution.
- Identification of types of subdivisions of state government (e.g. municipalities).
- Teaching of state geography with emphasis on major highways instead of rivers.
- Overview of state's economy, its components, and how the regional economy differs from that of the nation as a whole.
- The Suffragette movement and its relationship to the Abolitionist movement.

5.2.3 Recommendation for high school level (required courses)

- Teaching of concepts – the “whys” of state history.
- State's roles in Revolutionary war and perspectives of its peoples relative thereto.
- Teaching of state constitution's bill of rights and citizen rights & responsibilities.
- Teaching of hate crimes as violations of the state's constitutional protections.
- Teaching of state constitution in general and the state's legal/judicial structure.
- Overview of municipal and school finances, revenue sources and expenses.
- Teaching of state geography and intra-state regional geography.

- Teaching of state economy and regional economies as appropriate:
 - Tourism
 - Manufacturing
 - Farming/fishing/agriculture
 - Finance/insurance/banking
 - High tech/IT
 - Health care & health care technology
 - Transportation
 - Service/HRT/retail sales including.
 - Sports and entertainment as an industry/business.
- Histories of racial groups in the state and past incidents of oppression.
- Women's history
 - The suffragettes and social reform movements (including Dorothea Dix).
 - The temperance movement and rationale therefore.

5.2.4 High school electives – school must offer at least two, students must select one

In addition to the most basic and those relating to local community interest, these could be offered on the basis of teacher interest and availability with some sort of certification waiver so that a teacher or administrator with a particular interest in and aptitude for a particular item could offer it without possessing a Social Studies endorsement. In other words, the school psychologist with a particular interest in Dorothea Dix, the shop teacher with a particular interest in the Katadhin or Saugus Iron Works, the English teacher with a trunk full of 19th Century correspondence that she found in her grandmother's attic, or the physical education teacher fascinated with the history of Fenway Park could offer essentially an after-school enrichment course for which students would receive regular academic credit.

There would be some sort of compensation for this, either in the form of release time or additional pay, but the real benefit to the teachers (and incentive for doing it)

would be to let them investigate something that is of personal interest to them, thus reducing teacher “burnout” and making subjects such as psychology or English relevant to students. Academic administrators would be permitted to participate so that they could “get back into the classroom” while still maintaining their administrative post – modification to both state rules and union contracts might be necessary as most principals are prohibited from teaching duties.

There would be some need to maintain academic rigor, but the main incentive here is that the teacher himself or herself is interested in the topic being investigated and thus like college students in a seminar, the pupils would be dragged along by the teacher’s enthusiasm. In addition, various topics could be offered every other year or two by the Social Studies faculty, with the following serving as examples:

- State constitutional law (possibly in combination with US constitutional law).
- Detailed study of state’s ethnographic history and related social justice issues.
- Detailed study of one specific population subset group.
- Detailed study of a particular historical figure with relevance to the area.
- State/local finances including revenue sources, expenditure and expenses.
- Detailed study of state’s founding, initial history, and impact upon state today.
- Detailed study of state’s governmental structure, policies and politics.
- Detailed study of the municipality itself, or something of unique interest about it.

5.3 Recommendations for Maine

5.3.1 Recommendation for Native American/Indian history

5.3.1.1 Historical context of conflict

Place the two tribes into the larger historical context of 18th Century inter-tribal warfare, with the French and British aspects and the various Native Peoples being proxy warriors for all. Include (carefully on the middle school level) aspects of the various

genocides which occurred on all sides. Do so in an attempt to promote mutual understanding without continuing hatred.

5.3.1.2 French Catholic versus Protestant English

This schism is at the root of a lot of Maine history and needs to be objectively explained to pupils. The extent to which this was an issue in past years needs to be discussed and explained.

5.3.1.3 Penobscot and Passamaquoddy history and culture

The University of Maine needs to establish an academically legitimate center for the preservation and promulgation of the cultural and historical knowledge of these two tribes. Much as is being done in other states, there needs to be some sort of objective academic qualification that designates a knowledge of the culture, and this needs to be independent of tribal membership as history must belong to everyone.

Crafts such as basketmaking need to be preserved before those who know the trades die and the art thus being lost to history. Likewise, the languages need to be studied and documented as such before those who know them die.

5.3.2 French history and culture in Maine

A group overlooked in the move toward the teaching of Native American history, but one with an equal historical grievance are those of French Canadian ancestry. Louisiana offers a very effective model as to what could be done in places like Lewiston, Biddeford and the Saint John Valley, the Louisiana safeguards also would serve to prevent this from turning into another Quebec.

Between the Maine and Canadian universities, there already are centers for the Quebecois and Acadian cultures, these are resources upon which a curriculum could be built.

5.3.3 Yankee history in Maine

To be inclusive, one should also include the English speaking Yankee culture and its history of seafaring and fishing. This would also include the Granite trade and the significant Scandinavian influence on it, including those with native abilities in these languages. Emphasis should be placed on this being a cultural history of a working class people and not just the traditional “Great Man” approach to history.

5.4 Recommendations for Massachusetts

Massachusetts already has an excellent US history curriculum which includes a strong aspect of state history. The problem is that the History MCAS exam, which is “in the can” and ready to go, has not been administered. Simply administering this exam would require the existent curriculum to be taught and notwithstanding the general recommendations presented above, administering the exam would require this curriculum – said to be the best in the country – to be actually taught.

One possible outcome of the administration of this exam would be a demonstration of just how poorly history is being taught in the Commonwealth’s schools, with the secondary consequence being a need to dramatically enhance both the historical knowledge of the teaching cadre and to enhance their knowledge of age-appropriate educational methods to teach it to their students, and it needs to be noted that these are two very different things. It may be politically hard to justify requiring the first grade teacher to have an understanding of state history equal to that of the high school social

studies teacher, but if she doesn't have this background, how is she to deal with the questions that the gifted child will inevitably ask her? Even though the elementary school curriculum is being taught at an age-appropriate level, those teaching it need to have an adult-level comprehension of the underlying material in order to effectively present the age-appropriate curriculum.

5.5 Recommendations for Connecticut

5.5.1 Adopt the Massachusetts curriculum and MCAS exam

Connecticut should simply adopt the Massachusetts US history curriculum. This would be a good starting point, and with the volume of commemorative days the state has, the two would tend to balance each other out into a state history curriculum.

5.5.2 Address the "Pequot War"

Connecticut has the bloody legacy of a genocide in its origin, this is something which needs to be addressed in all its dimensions. First, the attacks on the White settlers by the Pequot warriors, and then the subsequent British/Colonial genocide of all the Pequot excepting those able to escape into the Rhododendron swamps.

As the "Pequot War" was motivated by earlier military defeats in Maine, it may also be relevant to include some of the 17th Century wars with the Penobscot Tribe.

5.5.3 Address issues of racial classism

For all its wealth, public education in much of Connecticut consists of very poor children – the wealthy largely send their children to public school and it is the children of their domestic help who largely populate the public schools. Many are minorities, Hispanic and African American, and Connecticut has been on the edge of a

desegregation order for some time. These children need their history taught too – even if they don't have the historical roots to the state that the Native Americans do, it is necessary to be inclusive. Thus the approach of Illinois where the teaching of all people's history is appropriate.

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